

116-124 MAIDEN LANE

Draft Environmental Impact Report

98.833E

Prepared by:

The City and County of San Francisco
Planning Department

Draft EIR Publication Date: May 8, 1999

Draft EIR Public Hearing Date: June 3, 1999

Draft EIR Public Comment Period: May 8, 1999 to June 7, 1999

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TO: Distribution List for the 116-124 Maiden Lane Draft EIR

FROM: Hillary Gitelman, Environmental Review Officer

SUBJECT: Request for the final Environmental Impact Report for the 116-124 Maiden Lane Project (Planning Department File No. 98.833E)

This is the Draft of the Environmental Impact Report for the 116-124 Maiden Lane project. A public hearing will be held of the adequacy and accuracy of this document. After the public hearing, our office will prepare and publish a document titled "Summary of Comments and Responses" that will contain a summary of all relevant comments on this Draft EIR and our responses to those comments. It may also specify changes to this Draft EIR. Those who testify at the hearing on the Draft EIR will automatically receive a copy on the Comments and Responses document, along with notice of the date reserved for certification; others may receive such copies and notice on request or by visiting our office. This Draft EIR together with the Summary of Comments and Responses document will be considered by the City Planning Commission in an advertised public meeting and certified as a Final EIR if deemed adequate.

After certification, we will modify the Draft EIR as specified by the Comments and Responses Document and print both documents in a single publication called the Final EIR. The Final EIR will add no new information to the combination of the two documents except to reproduce the certification resolution. It will simply provide the information in one, rather than two, documents. Therefore, if you receive a copy of the Comments and Responses in addition to this copy of the Draft EIR, you will technically have a copy of the Final EIR.

We are aware that many people who receive the Draft EIR and summary of Comments and Responses have no interest in receiving virtually the same information after the EIR has been certified. To avoid expending money and paper needlessly, we would like to send copies of the Final EIR to private individuals only if they request them. If you would like a copy of the Final EIR, therefore, please fill out and mail the postcard provided inside the back cover to the Major Environmental Analysis Office of the Planning Department within two weeks after certification of the EIR. Any private party not requesting a Final EIR by that time will not be mailed a copy. Public agencies on the distribution list will automatically receive a copy of the Final EIR.

Thank you for your interest.



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**116-124 MAIDEN LANE
DRAFT ENVIRONMENTAL IMPACT REPORT**

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I. SUMMARY

A. PROJECT DESCRIPTION

The existing building at 116-124 Maiden Lane is an 89-year old, unreinforced masonry building (UMB) and is subject to requirements for seismic strengthening under the Earthquake Hazard Reduction Ordinance. The ordinance was adopted by the San Francisco Board of Supervisors in 1992 in an effort to reduce injury and loss of life from unreinforced masonry buildings during seismic events.

The project site is in downtown San Francisco, situated slightly less than a block east of Union Square on the north side of Maiden Lane, approximately 70 feet west of the northwest corner of Maiden Lane and Grant Avenue. The site is currently occupied by a four-story commercial building with basement that was built as office and retail space in 1909. It is constructed of unreinforced masonry.

The project would demolish the existing, partially occupied, four-story retail/office building and construct a new two-story building with approximately 4,990 sq.ft. of retail space. The existing structure is only partially occupied: the basement and ground floor are vacant, the second floor is occupied by the offices, a restaurant is on the third floor and the fourth floor is occupied by an art gallery. The new building's footprint would be virtually identical to that of the existing structure. During construction of the replacement building, the existing basement which has a ceiling height of approximately eight feet may be deepened by about two feet for a total floor to ceiling height of 10 feet.

The project is proposed as a high-end retail use that would be consistent with the current retail uses along Maiden Lane and in the surrounding area. The project sponsor has stated that the building would most likely have a single, multi-floor, retail tenant and have a single address.

The project sponsor seeks to meet the requirements of the Earthquake Hazard Reduction Ordinance for the existing unreinforced masonry structure by replacing the existing structure with a code compliant, economically viable and seismically safer structure that would provide retail space with more usable and efficient floor plates. The sponsor also seeks to develop unified retail space within the new building in order to maximize the potential for retail leasing.

B. ENVIRONMENTAL EFFECTS

This environmental document for the proposed project at 116-124 Maiden Lane focuses on the issue of historic architectural resources. This issue specifically relates to the proposed demolition of the building at 116-124 Maiden Lane, a Category IV (Contributory) building, and the construction of a new replacement building. All other potential environmental effects were found to be at less than

significant levels with the mitigation measures to be implemented by the project sponsor. Additional information on and analysis of other environmental issues can be found in the Initial Study for the project which is included in this document as Appendix A.

1. Historic Architectural Resources (p. IV-1)

The historical architectural resources impact assessment in this EIR has two aspects. First, the impacts of the project on the 116-124 Maiden Lane building itself must be considered; secondly, the impacts of the project on the Kearny-Market-Mason-Sutter (KMMS) Conservation District needs to be evaluated.

116-124 Maiden Lane Building

The 116-124 Maiden Lane building is designated a Category IV, or “contributory” building, under Article 11 of the *San Francisco Planning Code*. Article 11 is a “local register of historical resources” as defined by Public Resources Code Section 5020.1(k). Article 11 permits the demolition of Contributory Buildings, however, and it is not clear therefore that Category IV buildings meet the definition of a historic resource under CEQA.

When the building at 116-124 Maiden Lane was evaluated for the Downtown Plan and Article 11, it scored 34 points out of a possible 90 total points; this placed it in the approximate middle of the “Contextual” category whose buildings had cumulative point scores of between 20 to 44 points. The building has very limited ornamentation and has been altered over time. The building’s integrity has been affected by the replacement of original windows with modern aluminum sashes and substantial renovation to the ground level street facade. For all of these reasons, the 116-124 Maiden Lane building is not considered a “significant historic resource” as defined by CEQA.

Because the building is not a significant historic resource, the demolition of the building as allowed under Article 11 is not a significant environmental impact for the purposes of CEQA but would be considered a less than significant impact.

Kearny-Market-Mason-Sutter Conservation District

Even though the 116-124 Maiden Lane building itself is not a significant historic resource within the context of CEQA, it is clear that the KMMS Conservation District should be considered one. The district was established in 1985 to protect and preserve the basic characteristics and maintain the scale and character of the Kearny-Market-Mason-Sutter area. This portion of the City was found to possess concentrations of buildings that together created a subarea of architectural and environmental quality and importance which contributes to the overall beauty and attractiveness of the City. The characteristics that were considered of importance in the designation of the KMMS Conservation District were: the unique history as the major retailing area of the City; the attractive pattern of small-scaled, light-colored development which, although dense, has a comfortable scale with a notable collection of shops; the concentration of buildings with quality architectural features and compatible detailing and ornament; the rare homogeneous collection of early Twentieth Century

commercial architecture; the unity of the visual elements centered around the focal point of Union Square; and the dynamic continuity of the area.

The building at 116-124 Maiden Lane is one of over 100 contributory buildings in a district which encompasses all or portions of 36 city blocks. In this context, the demolition of the 116-124 Maiden Lane building would have little or no noticeable effect of the characteristics of the Conservation District cited as reasons for its designation and referenced above. To all but the most educated viewer, the resulting change to the District would go unnoticed, and the District would retain its overall scale and “concentration of buildings with quality architectural features and compatibility detailing and ornament.”

To look at the cumulative effects on the KMMS Conservation District, the impact of the proposed demolition of the building at 116-124 Maiden Lane must be considered in the light of any other demolitions of similar Category I, Category II, or Category IV buildings that have already occurred in the KMMS district since it was designated. The most notable example of removal of a Category IV building has been at 251-259 Geary Street, for an extension of Macy’s department store. From an urban design viewpoint, 251-259 Geary Street was more important than the building at 116-124 Maiden Lane, since it was a contributor to the combined elevation of buildings along the south wall of Union Square. A partial demolition of a Category IV building has also occurred within the KMMS district with the removal of the top three floors of the Musto Building at 166 Grant Avenue were removed in 1997. In addition to these buildings, there are potential future changes to other rated buildings that should be considered. The building at 125-129 Geary Street (a Category IV building) is under consideration for demolition and reconstruction as the site of an expansion to the neighboring Neiman Marcus store and the Emporium Building at 835 Market Street (a Category I building) is proposed to be demolished with the retention of the facade and dome.

While some of the other potential changes to the district may themselves constitute significant adverse effects, it is not clear that those effects would be in any way more severe with the demolition of the building at 116-124 Maiden Lane. Likewise, the proposed demolition at 116-124 Maiden Lane would occur on a street (formerly an alley) where individual building elevations are small in scale and because of the narrow width of the street the viewers’ perception is formed by viewing no more than a few buildings at a time. Removal and replacement of the building at 116-124 Maiden Lane would leave the street face and the district visually intact, with 114 Significant and 137 contributory buildings remaining in the Conservation District. For these reasons, the cumulative effect of the proposed demolition of 116-124 Maiden Lane when combined with other past and reasonably foreseeable future demolitions in the District would be less than significant.

2. Urban Design And Visual Quality (p. IV-6)

As noted in Chapter III - Environmental Setting, the urban design characteristics and the success of Maiden Lane as a distinctive street lie in its short length, narrow width, and axial relationship with the longer-range visual markers such as the Dewey Monument in Union Square and the facade of the Maskey Building across Kearny Street. The demolition of the existing 116-124 Maiden Lane building and the construction of a new building which meets the criteria for compatibility in Article

11 will not substantially change these urban design and visual quality aspects of the area. Therefore, although there will be a change to the immediate Maiden Lane area with the demolition and new construction, the project would not have a significant impact on urban design and visual quality.

C. MITIGATION MEASURES

CEQA requires identification of “mitigation measures” to reduce any significant impacts that could occur as result of implementation of the project. No potentially significant environmental impacts related to historic architectural resources or urban design quality have been identified and therefore, no related mitigation measures are proposed for the project. Measures related to other issues and identified in the Initial Study are listed below.

1. Mitigation Measure No. 1: Construction Air Quality

The project sponsor would require the contractor(s) to spray the site with water during demolition, excavation, and construction activities; spray unpaved construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soils, sand or other such material; and sweep surrounding streets during demolition, excavation, and construction at least once per day to reduce particulate emissions.

Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the project sponsor would require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose. The project sponsors would require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as a prohibition on idling motors when equipment is not in use or when trucks are waiting in queues, and implementation of specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.

2. Mitigation Measure No. 2: Archaeological Resources

Should evidence of archaeological resources of potential significance be found during ground disturbance, the project sponsor would immediately notify the Environmental Review Officer (ERO) and would suspend any excavation which the ERO determined could damage such archaeological resources. Excavation or construction activities which might damage discovered cultural resources would be suspended for a total maximum of four weeks over the course of construction.

After notifying the ERO, the project sponsor would select an archaeologist to assist the Office of Environmental Review in determining the significance of the find. The archaeologist would prepare a draft report containing an assessment of the potential significance of the find and recommendations for what measures should be implemented to minimize potential effects on archaeological resources. Based on this report, the ERO would recommend specific additional mitigation measures to be implemented by the project sponsor.

Mitigation measures might include a site security program, additional on-site investigations by the archaeologist, and/or documentation, preservation, and recovery of cultural materials. Finally, the

archaeologist would prepare a draft report documenting the cultural resources that were discovered, an evaluation as to their significance, and a description as to how any archaeological testing, exploration and/or recovery program was conducted.

Copies of all draft reports prepared according to this mitigation measure would be sent first and directly to the ERO for review. Following approval by the ERO, copies of the final report would be sent to the President of the Landmarks Preservation Advisory Board and the California Archaeological Site Survey Northwest Information Center. The Planning Department shall receive three copies of the final report.

D. ALTERNATIVES TO THE PROJECT

1. Alternative A: No Project

The No Project Alternative would entail no change to the site and would leave the existing building as it is. No demolition would occur with this alternative and none of the potential impacts to the environment would occur. There would be nothing to preclude re-occupancy of the vacant portions of the building. This would be acceptable in the short term and avoid the of the demolition of the building, an impact that was found to be less than significant under CEQA and would also avoid the less than significant impact to the KMMS Conservation District. It should be noted, however, that the building is on the city's list of Unreinforced Masonry Buildings, and the building owners have received notification that the city will require seismic retrofit or demolition by the year 2004 in order to abate the seismic hazard. Therefore, because of the need to comply with the City's Unreinforced Masonry Building Ordinance, the No Project Alternative would not be considered a reasonable solution for the longer term.

2. Alternative B: Preservation, Seismic Upgrade And Reuse

The Preservation Alternative would retain the existing building in place and would rehabilitate and seismically upgrade the structure in accordance with the requirements of applicable building code standards. The rehabilitated structure could than be used for retail on the ground floor and for retail or office use on the upper three stories. This alternative would also avoid the demolition of the building, a less than significant impact, and would not create any change to the KMMS Conservation District. This alternative would be the most acceptable one from the perspective of preserving the existing contextual historic structure and would be considered the "environmentally superior" alternative.

This alternative would have construction impacts in the area of noise, air quality (fugitive dust) and hazardous materials from the removal of lead based paint and other potentially problematic old building materials such as asbestos. These impacts would most likely be slightly less intensive than those expected with the proposed project which involved the construction of a new building. The construction disruption to the neighborhood would also be slightly less. As the impacts of the proposed project were determined to be less than significant, the less intensive impacts of the Preservation Alternative would also be less than significant.

E. AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

The main area of controversy associated with the proposed project concerns the proposal to demolish the existing 116-120 Maiden Lane building. This building is a Category IV (Contributory) building under Article 11 of the San Francisco Planning Code and the Downtown Plan, an area plan under the San Francisco General Plan. The building is also a contributory building in the Kearny-Market-Mason-Sutter Conservation District.

The proposed replacement building is analyzed in this EIR at a general level of detail. More information regarding the proposed design will become available in the future, but is not expected to affect the conclusions of the EIR analysis. If substantial design changes are proposed which would affect the general scale and design elements described herein, subsequent analysis may be required pursuant to State CEQA Guidelines Section 15162.

II. PROJECT DESCRIPTION

The existing building at 116-124 Maiden Lane is an 89-year old, unreinforced masonry building (UMB) and is subject to requirements for seismic strengthening under the Earthquake Hazard Reduction Ordinance. In 1992, the San Francisco Board of Supervisors adopted Ordinance 225-92 which was designed to reduce injury and loss of life from unreinforced masonry buildings during seismic events. The research presented to the Board found that during an earthquake, the risk to life comes primary from certain existing buildings which have unreinforced masonry bearing walls. It was also found that of the approximate 2,000 such unreinforced masonry buildings (UMBs) in San Francisco; the majority were built soon after the 1906 earthquake, were between one and four stories tall, and were commercial or industrial. Because of their age, the UMBs were also described as "important reminders of San Francisco's past" with approximately 40 being City designated Landmarks and most of the remaining being either "significant" or "contributory" to existing or proposed historic districts.

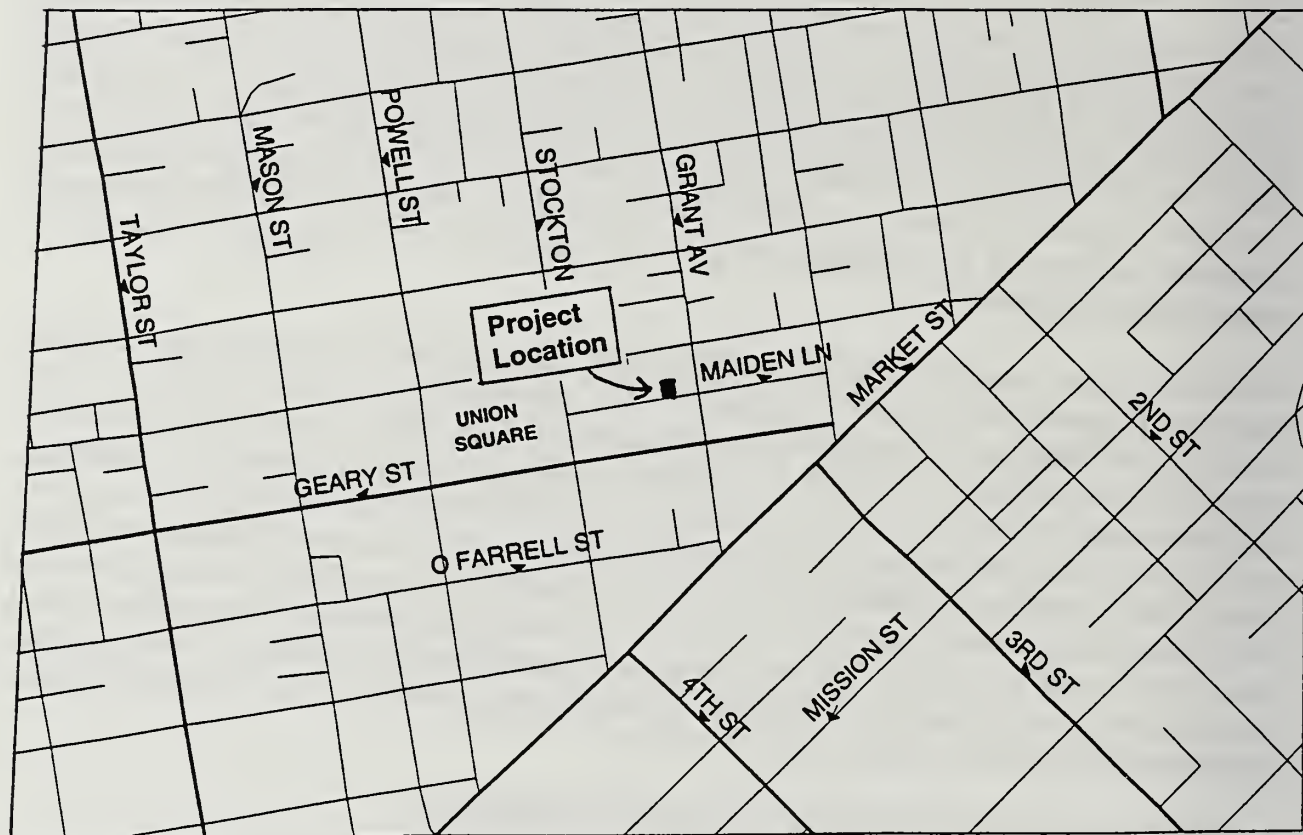
The Environmental Impact Report (EIR) on "Earthquake Hazard Reduction in Unreinforced Masonry Buildings: Program Alternatives" (Case No. 89.122E, certified July 11, 1991) found that a large number of the UMBs were within the downtown area and 133 were within the Kearny-Market-Mason-Sutter Conservation District. Of those 133 buildings, 70 were Category IV-Contributory Buildings, as is the existing building at 116-124 Maiden Lane. The EIR acknowledged that there would be a number of different "building outcomes" as a result of the adoption of a hazard reduction ordinance, some of which could lead to demolition and program-induced new construction. The EIR also stated that it was not intended to be a program EIR in that it did not attempt to cover all of the indirect effects which could occur as a result of the adoption of an Hazard Reduction Ordinance such as possible future redevelopment of specific UMBs, but that "subsequent applicable owner decisions related to specific site would still be subject to CEQA review."

A. SITE LOCATION AND PROJECT CHARACTERISTICS

The project site is in downtown San Francisco, and lies slightly less than a block east of Union Square on the north side of Maiden Lane, approximately 70 feet west of the northwest corner of Maiden Lane and Grant Avenue (see Figure 1, Project Location). The site (Assessors's Block 309, Lot 16) is a square-shaped lot, 40 by 40 feet which is about 1,600 sq.ft. in area. The site is currently occupied by a four-story commercial building with a full-height basement that was built as office and retail space in 1909 and, as discussed above, is constructed of unreinforced masonry.

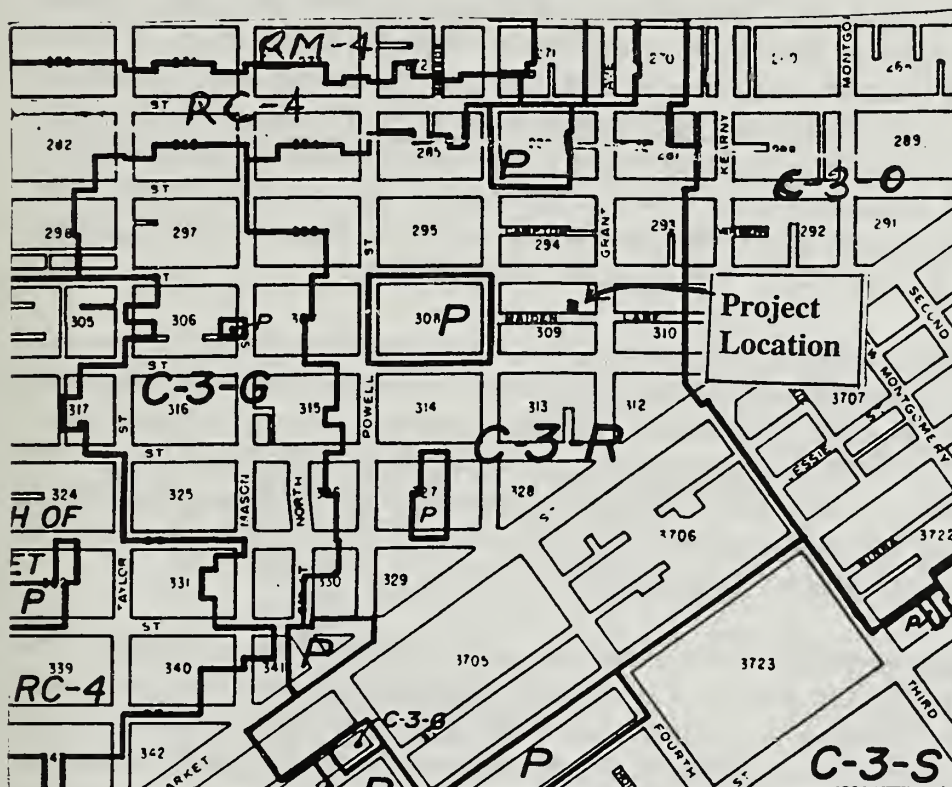
The proposed project is within the C-3-R zoning district (Downtown Retail) and the 80-130 F Height and Bulk category (See Figure 2- Zoning Map). According to the Planning Code, the C-3-R district is a regional center for comparison shopper retailing and direct consumer services. Within this zoning district, continuity of retail and services along street frontages is emphasized, with encouragement of pedestrian interest and amenities with minimization of conflicts between shoppers and motor vehicles. The Height and Bulk restrictions mean that no new building would be permitted to exceed 80 feet unless an exception were granted for additional height up to 130 feet. The "F" symbol means that above 80 feet there are bulk restrictions that must be met.

Figure 1 - Project Location

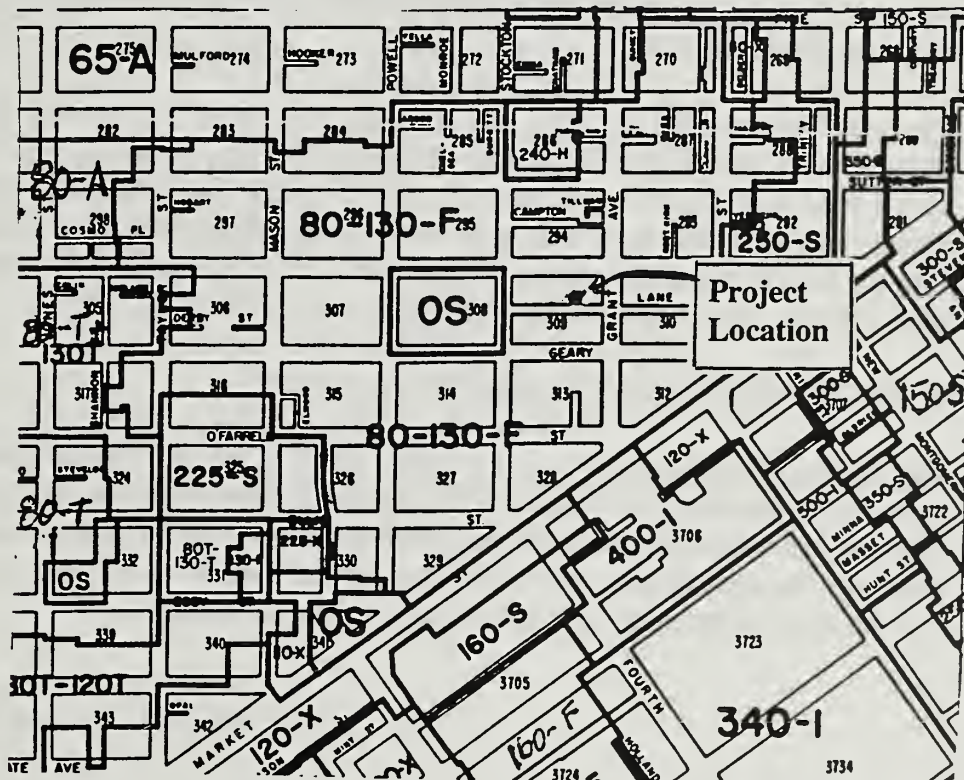


Source: San Francisco Planning Department, 1999.

Figure 2 - Zoning, Height and Bulk Maps



Zoning



Height and Bulk

Source: San Francisco Planning Department, 1999.

The site is also within the Kearny-Market-Mason-Sutter Conservation District (see Figure 3 -for the Conservation Area Boundaries), an area that was found by the Planning Commission, to have a concentration of buildings that together create an area of architectural and environmental quality and importance that contributes to the beauty and attractiveness of the City. Through Article 11 of the Planning Code, special review is required for construction of new buildings and major alterations of existing buildings so that the uniqueness of the District is maintained. The goal of the conservation districts within the City is the preservation of buildings and districts of architectural, historical and aesthetic importance in the C-3 (Downtown Commercial) zoning districts.

The project would demolish the existing, partially occupied, 4-story (plus basement), 53-foot-tall, approximate 7,600 gross sq.ft. retail/office building and construct a new two-story (plus basement), 40-foot-tall building (36 feet plus a 4-foot parapet) with approximately 4,990 sq.ft. of retail space. The existing structure is only partially occupied: the basement (1,900 sq.ft.) and ground floor (1,550 sq.ft.) are vacant, the second floor (1,380 sq.ft.) is occupied by the offices of a publishing firm (Global Directions), while a restaurant (Cafe Akimbo) is on the third floor (1,380 sq.ft.). The fourth floor (also 1,380 sq.ft.) is occupied by an art gallery (Gallery Cyclo).

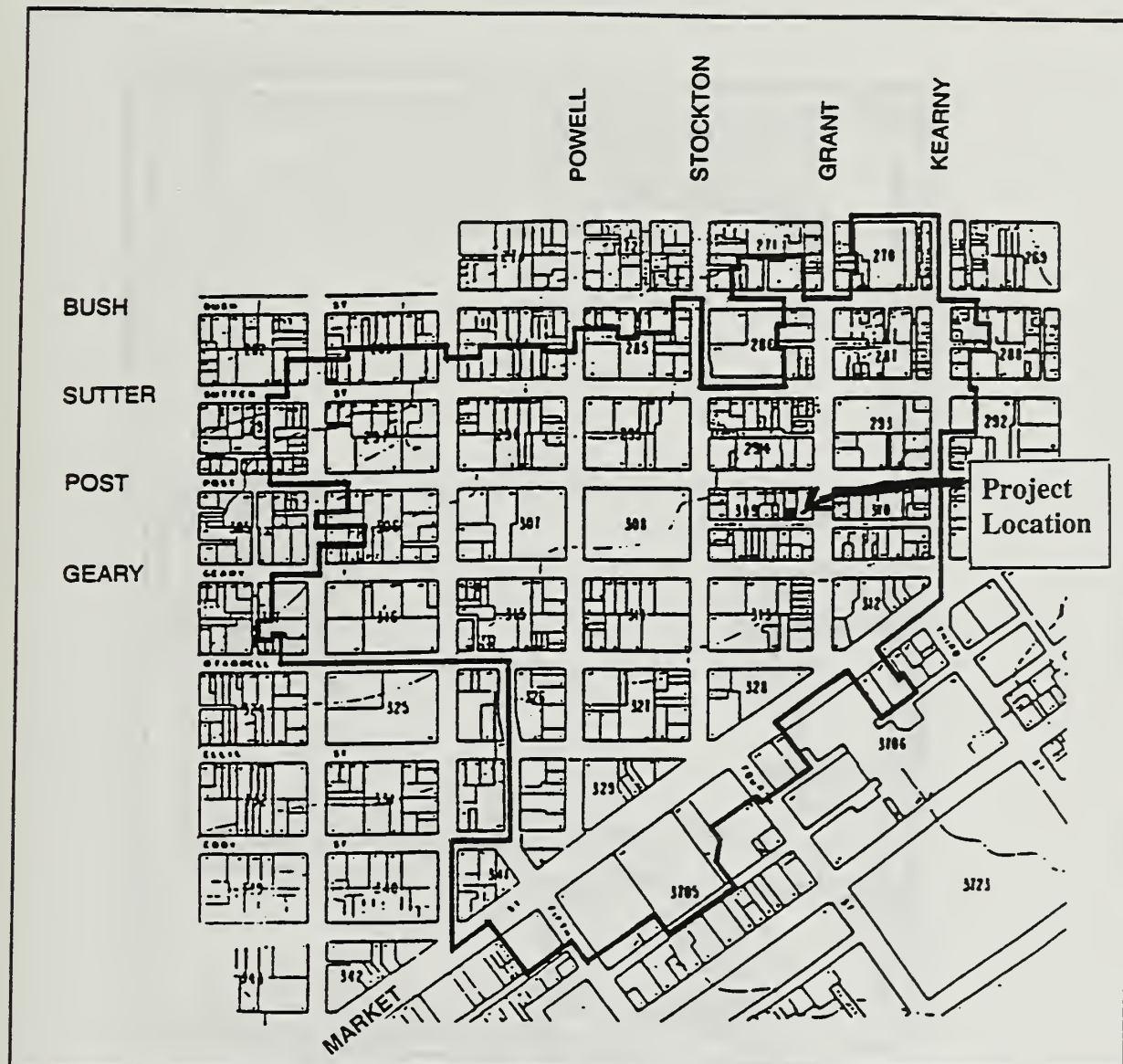
The new building's footprint would be virtually identical to that of the existing structure. The building's basement would have about 1,910 sq.ft. of retail and storage space, the ground floor would be approximately 1,515 sq.ft. of retail, and the second floor would have 1,560 sq.ft. of retail space (see Figures 4, 5 and 6). During construction of the replacement building, the existing basement which has a ceiling height of approximately eight feet may be deepened by about two feet for a total floor to ceiling height of 10 feet.

The project is proposed as a high-end retail use that would be consistent with the current retail uses along Maiden Lane and in the surrounding area. The proposed building would be relatively small-scaled, with deep window reveals, bronze finish metal work and a stone base course and would be finished in light, earth-toned, terra cotta to be compatible with the surrounding structures (See Figure 7 for the proposed front elevation). The project sponsor has stated that the building would most likely have a single, multi-floor, retail tenant and have a single address.

B. PROJECT SPONSOR'S OBJECTIVES

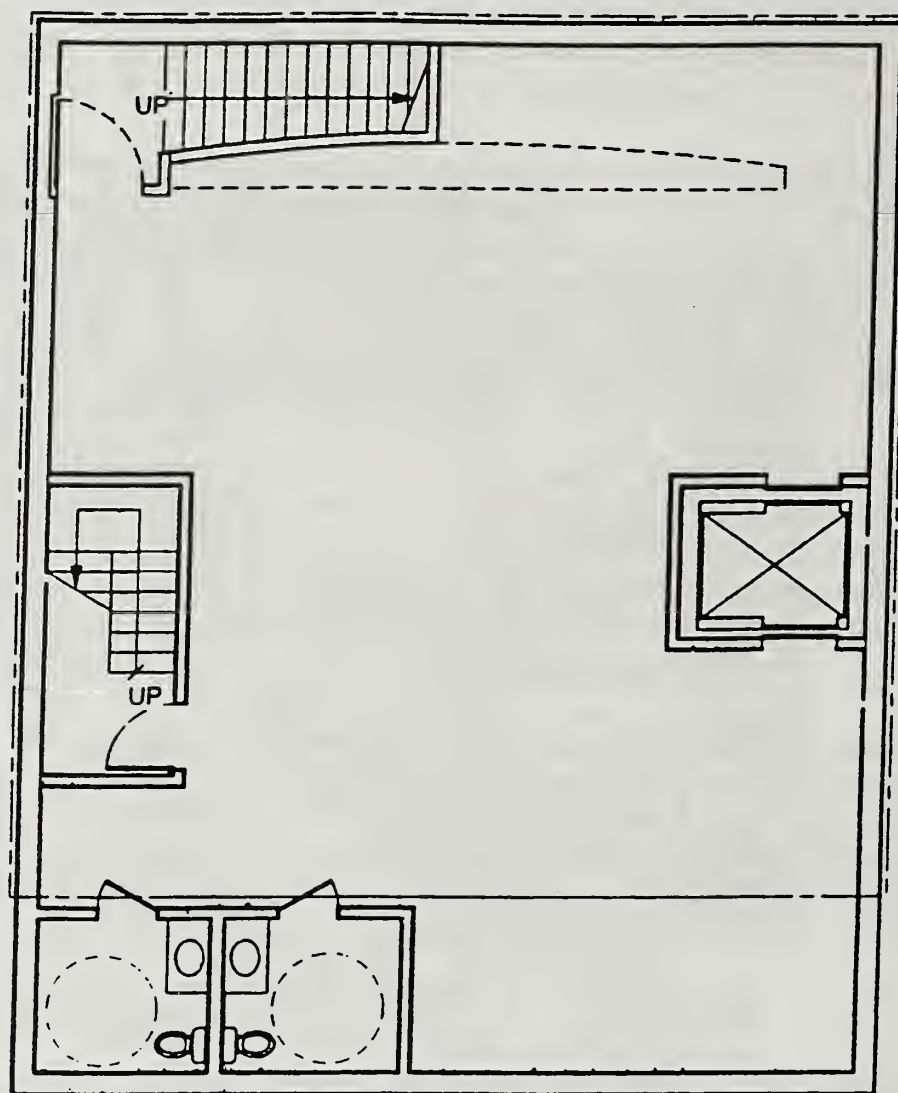
The project sponsor seeks to meet the requirements of the Earthquake Hazard Reduction Ordinance by replacing the existing structure with a code compliant, economically viable and seismically safer structure that would provide retail space with more usable and efficient floor plates than the existing building. The sponsor also seeks to develop unified retail space with the proposed project site in order to maximize the potential for retail leasing of the new structure.

Figure 3 - Kearny-Market-Mason-Sutter Conservation District Boundaries



Source: San Francisco Planning Department, 1999.

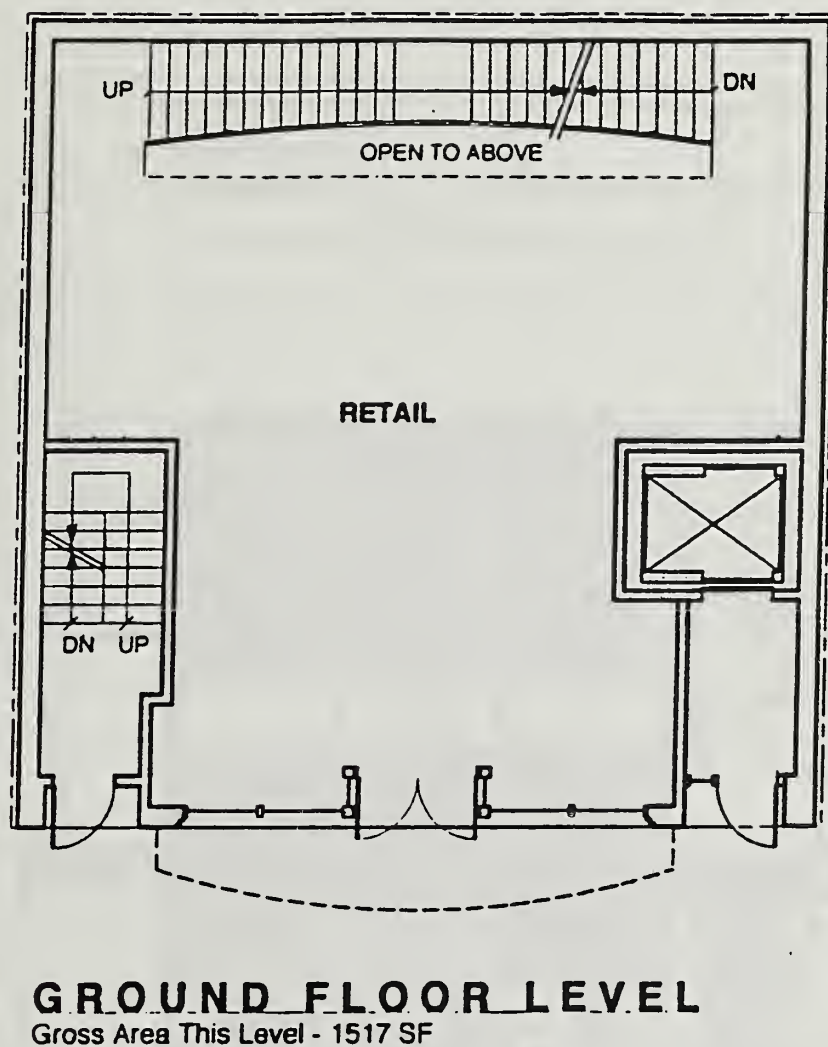
Figure 4 - Proposed Building at 116-124 Maiden Lane, Basement Plan



BASEMENT FLOOR LEVEL
Gross Area This Level - 1915 SF

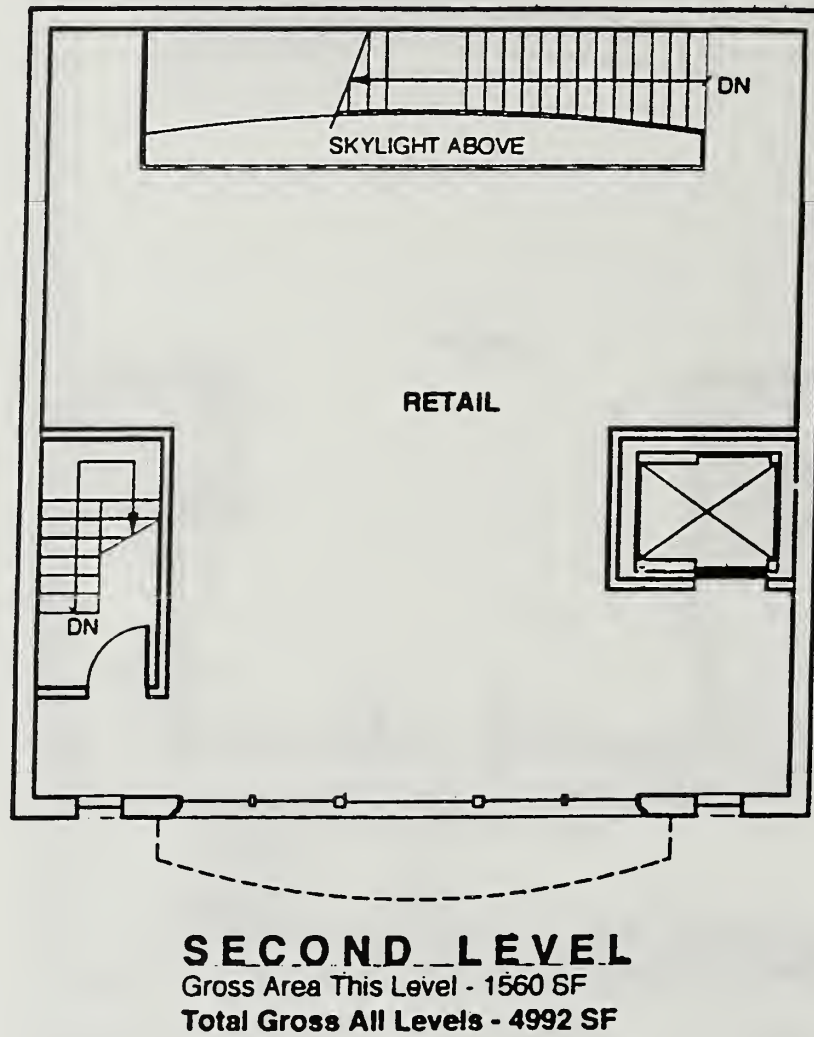
Source: Berger Detmer Architects, 1998.

Figure 5 - Proposed Building at 116-124 Maiden Lane, Ground Floor Plan



Source: Berger Detmer Architects, 1998.

Figure 6 - Proposed Building at 116-124 Maiden Lane, Second Floor Plan



Source: Berger Detmer Architects, 1998.

Figure 7 - Proposed Building at 116-124 Maiden Lane, Front Elevation



Source: Berger Detmer Architects, 1998.

C. APPROVALS REQUIRED

This document will undergo a public review and comment period as noted on the front cover. A public hearing on the Draft EIR will be held before the City Planning Commission to receive comments on the adequacy and accuracy of the Draft EIR from members of the public and the Planning Commission. Written comments will be accepted until the close of the public comment period. The Landmarks Preservation Advisory Board (LPAB) may also provide written comments on the Draft EIR, following a hearing by the Board to develop their comment letter.

Following the public comment period, responses to all written and oral comments on the environmental aspects of the project will be prepared and published in a Draft Summary of Comments and Responses document. This Draft EIR would then be modified as appropriate and presented to the Planning Commission for certification as to accuracy, objectivity and completeness. No approval or permits may be issued before the Final EIR is certified.

Once the document is certified, the Zoning Administrator will consider the Final EIR in reaching his determination as to the approval, disapproval or approval of the Project with conditions. The Planning Commission may also use the EIR in their review if required under Section 309(g) of the Planning Code. The Zoning Administrator and the Planning Commission may consult with the LPAB in the course of their deliberations. The two application components of this project are discussed separately below.

1. Application to Demolish the Existing Building

The Project calls for the demolition of an existing “Category IV, Contributory Building” within the Kearny-Market-Mason-Sutter Conservation District. No Transfer Development Rights (TDR) have been transferred from this property. Section 1112.2(c) states that “[t]he Zoning Administrator shall approve any application for demolition of a Contributory building in a Conservation District from which no TDR have been transferred...if a building or site permit has been lawfully issued for a replacement structure on the site, in compliance with Section 1113.”

2. Application to Construct New Building in a Conservation District

The Project calls for the construction of a new two-story building in the Kearny-Market-Mason-Sutter Conservation District. Section 1113 provides that “[a]pplications for a building or site permit to construct or add to a structure in any Conservation District shall be reviewed pursuant to the procedures set forth in Section 309.”

Section 309(d) provides that if the Zoning Administrator determines that the application for the new building complies with the requirements of the Planning Code, public notice shall be given of the Department’s intent to approve the Project. “If no request for City Planning Commission review ... is made within 10 days of such notice, the Zoning Administrator shall approve the application.”

Section 309(g) provides that any person, within 10 days, may request in writing that the City Planning Commission impose additional modifications or to consider the application for compliance with the streetscape requirements of Section 138.1. The Planning Commission shall consider the request in

a public meeting and may vote to open a public hearing to consider the request. The Commission may, after such hearing, approve, disapprove or approve the new building subject to conditions. If the Commission determines not to conduct a hearing, the Zoning Administrator shall approve the application for the new building.

Section 1113 requires that new construction in a Conservation District be "compatible in scale and design with the District as set forth in ...the Appendix which describes the District." Appendix E to Article 11, Section 6 and 7, describes the special architectural and historic character of the Kearny-Market-Mason-Sutter Conservation District and sets forth specific guidelines for assessing the compatibility of alterations and new construction in the District.

D. GENERAL PLAN POLICIES

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the City Planning Code to establish eight Priority Policies. These policies are: preservation and enhancement of neighborhood-serving retail uses; protection of neighborhood character; preservation and enhancement of affordable housing; discouragement of commuter automobiles; protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership; maximization of earthquake preparedness; landmark and historic building preservation; and protection of open space. Prior to issuing a permit for any project which requires an Initial Study under CEQA or adopting any zoning ordinance or development agreement, the City is required to find that the proposed project is consistent with the Priority Policies.

The City's General Plan, which provides general policies and objectives to guide land use decisions, contains some policies which relate to physical environmental issues. The current project would not obviously or substantially conflict with the General Plan, and it will be considered in light of the following General Plan policies and objectives:

Urban Design Element

- Objective 1, Policy 3, to "Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts."
- Objective 2, Policy 4, to "Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development."
- Objective 2, Policy 6, to "Respect the character of older development nearby in the design of new buildings."
- Objective 2, Policy 7, to "Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character."

Community Safety Element

- Objective 2, Policy 2.4, to “Continue the unreinforced masonry building program and the parapet program.
- Objective 2, Policy 2.8, to “Preserve, consistent with life safety considerations, the architectural character of buildings and structures important to the unique visual image of San Francisco, and increase the likelihood that architecturally and historically valuable structures will survive future earthquakes.

Commerce and Industry Element

- Objective 2, Policy 1, to “Seek to retain existing commercial and industrial activity and to attract new such activity to the city.”
- Objective 6, Policy 7, to “Promote high quality urban design on commercial streets.”

Downtown Plan Element

- Objective 1, Policy 1, to “Encourage development which produces net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences which cannot be mitigated.”
- Objective 3, to “Improve downtown San Francisco’s position as the region’s prime location for specialized retail trade.”
- Objective 12, Policy 3, to “Design new buildings to respect the character of older development nearby.”
- Objective 13, Policy 1, to “Relate the height of buildings to important attributes of the city pattern and to the height and character of existing and proposed development.”
- Objective 15, “To create a building form that is visually interesting and harmonizes with surrounding buildings.”
- Objective 15, Policy 1, to “Ensure that new facades relate harmoniously with nearby facade patterns.”
- Objective 15, Policy 2, to “Assure that new buildings contribute to the visual unity of the City.”
- Objective 16, Policy 1, to “Conserve the traditional street to building relationship that characterizes downtown San Francisco.”
- Objective 16, Policy 4, to “Use designs and materials and include activities at the ground floor to create pedestrian interest.”

- Objective 23, to “Reduce hazards to life safety and minimize property damage and economic dislocation resulting from future earthquakes.”
- Objective 23, Policy 2, to “Initiate orderly abatement of hazards from existing buildings and structures, while preserving the architectural design character of important buildings.”

In general, potential conflicts with the General Plan are considered by decision makers independently of the environmental review process, as part of the decision whether to approve or disapprove a proposed project. Any potential conflict not identified here could be considered in that context, and would not alter the physical environmental effects of the proposed project.

III. ENVIRONMENTAL SETTING

An application for environmental evaluation for the project was filed October 12, 1998. On the basis of an Initial Study published on December 11, 1998, the San Francisco Planning Department determined that an Environmental Impact Report (EIR) was required. The Initial Study determined that the following effects of the project would either be insignificant or would be reduced to a less than significant level by mitigation measures included in the project and thus required no further analysis: land use, visual quality, population, transportation/ circulation, noise, air quality/climate, utilities/public services, biology, geology/topography, water, energy/natural resources, hazards, and archaeological resources. Therefore, the EIR does not discuss these issues (see Appendix A, for the Initial Study). The Initial Study also found that the land use changes would not cause potential significant environmental effects and required no further analysis but noted that the historic character of the area would be discussed in the EIR within the context of potential impacts to the Kearny-Market-Mason-Sutter Conservation District. Some additional information on the setting for Land Use is included in the EIR for informational purposes, and to orient the reader.

A. ZONING AND LAND USE

The proposed project is within the C-3-R (Downtown Retail) zoning district and the 80-130 F Height and Bulk district. The C-3-R district, according to the Planning Code, is a regional center for comparison shopper retailing and direct consumer services. Within this zoning district, continuity of retail and services is emphasized, with encouragement of pedestrian interest and amenities with minimization of conflicts between shoppers and motor vehicles. The Height and Bulk designation means that no new building would be permitted to exceed 80 feet unless an exception were granted for additional height up to 130 feet. The "F" symbol means that above 80 feet there are bulk restrictions that must be met.

The site is also within the Kearny-Market-Mason-Sutter Conservation District (see Figure 3 - Chapter II), an area that was found by the Planning Commission in 1985, to have a concentration of buildings that together create an area of architectural and environmental quality and importance that contributes to the beauty and attractiveness of the City. Through Article 11 of the Planning Code, special review is required for construction of new buildings and major alterations of existing buildings so that the uniqueness of the District is maintained. The goal of the conservation districts within the City is the preservation of buildings and districts of architectural, historical and aesthetic importance in the C-3 (Downtown Commercial) zoning districts.

As noted in Chapter II - Project Description, the land uses in the general area are hotels, high intensity retail, restaurants, and consumer service uses. Along the block of Maiden Lane where the proposed project is located, the land use is generally the same, albeit to a lesser degree of intensity, with boutiques and speciality shops rather than department stores. Directly to the east of the proposed project site is a 12-story office building with frontage on Post Street, Grand Avenue, and

Maiden Lane. The Brooks Brothers retail store is located on the ground floor, mezzanine and second floor. The building directly to the west is a 7-story office building with Cartier jewelry store as the ground floor retail tenant; a back (non-customer) door opens on Maiden Lane while the store frontage is on Post Street. Two doors further to the west at 140 Maiden Lane is the V.C. Morris Building designed by Frank Lloyd Wright which is City Landmark No. 72. Built in 1948, this 2-story building is the only Frank Lloyd Wright designed building in San Francisco and its interior has a spiral ramp similar to the much larger and grander Guggenheim Museum in New York also designed by Wright at approximately the same time.

Across Maiden Lane to the east, fronting on Grant Avenue, is the Crate and Barrel home furnishings store with offices above while directly across the street is the Jil Sander clothing boutique. Maiden Lane is closed to traffic during mid-day and becomes a pedestrian mall with outdoor tables from a restaurant at the western end of the street.

B. HISTORIC ARCHITECTURAL RESOURCES

The existing building at 116-124 Maiden Lane is an older building, constructed in 1909 when much of the Union Square area was rebuilt after the 1906 earthquake and fire. As an older building in the City's historic core the building has been surveyed in the past to determine its historic and architectural significance, and has been designated a Category IV (Contributory) building in the Kearny-Market-Mason-Sutter Conservation District under Article 11 of the Planning Code.

The project site, 116-124 Maiden Lane, does not appear in the early *Here Today* survey, or in the city-wide Architectural Quality Survey conducted by the Department of City Planning in 1976. It does, however, appear in the Downtown Plan survey and in the Foundation for San Francisco's Architectural Heritage survey and the follow-on book *Splendid Survivors*. As a result of the Heritage survey, the site is also listed in the State of California's Historic Property Data File maintained by the California Historic Resources Information System. These listings are described below.

1. Architectural and Historic Importance

Downtown Plan

The project site is in the area covered by the Downtown Plan, which is an area plan within the *San Francisco General Plan*. Article 11 of the *San Francisco Planning Code*, which addresses preservation of buildings and districts of architectural, historical, and aesthetic importance, classifies buildings in the C-3 Zoning Districts (generally, Downtown) within four Categories, I through IV, as established in the Downtown Plan. The Downtown Plan identified the most important buildings, which were called "Significant Buildings," and divided them into Category I and Category II buildings. Under the Downtown Plan and Article 11, these structures are Buildings of Individual Importance, are at least 40 years old, and are rated excellent in Architectural Design or very good in both Architectural Design and Relationship to the Environment. The difference between Category I and Category II buildings is the extent of alteration allowed; Category II buildings can accommodate more substantial alteration.

The Downtown Plan also identified a second tier of structures , called "Contributory Buildings" as Category III and Category IV Buildings. Under the Downtown Plan and Article 11, among Contributory Buildings, Category III buildings are Buildings on Individual Importance, but of lesser architectural and /or contextual merit than Category I and II buildings, are at least 40 years old and are located outside of the six conservation districts outlined in Article 11. Category IV buildings are located within conservation districts, are at least 40 years old, may be Buildings of Individual Importance or Buildings of Contextual Importance, and are of lesser architectural and/or contextual merit than Category I and II buildings. All remaining Downtown buildings are unrated or Category V.

The Downtown Plan calls for preservation of Category I and II buildings and encourages, but does not require, preservation of Category III and IV buildings. One of the primary tools employed in the City Planning Code is the Transfer of Development Rights, which allows a property owner of Significant (Category I and II) and Contributory (Category III and IV) buildings to transfer to another site, the development potential precluded by retention of the smaller historic building. Article 11 of the City Planning Code, in general, prohibits demolition of Category I and II buildings (and Category III and IV buildings from which development rights have been transferred) unless it can be demonstrated that the buildings have no substantial market value or reasonable use, after taking into account cost of rehabilitation and any development rights transferred. Demolition of Category III and IV building from which no development rights have been transferred is generally permitted under Article 11 provided that the replacement building meets the criteria for compatibility with the Conservation District where the building is located. Transfer of development rights at the proposed project site have not occurred and are not proposed as a part of the project.

The architectural survey for the Downtown Plan assigned each building a numerical score for 13 categories in four headings: architecture, history, environmental and integrity.¹ The survey also collected planning data such as zoning and floor-area ratio and submitted the information to a five-member review committee that assigned each building to one of the five categories.

The 116-124 Maiden Lane building scored 34 points in the Downtown Plan survey, which is within the 20 to 44 point range for "contextual importance." The building was rated Very Good in the categories of age and continuity and Good in the categories of style, construction, architect, design, and patterns. It was rated lower in the categories of interior, person, event, setting and landmark. Overall, the individual designation sheet for the Downtown Plan states that the building is judged to be of "Contextual Importance." Its rating under architectural design is "good," and under relationship to the environment, "very good." It is designated a "Contributory Building, Category IV" under the Downtown Plan and Article 11 of the *San Francisco Planning Code*.

¹ These 13 categories were essentially the same as were used by the Foundation for San Francisco's Architectural Heritage for the evaluation of buildings for its book *Splendid Survivors*. Their categories were Architecture (including style, construction, age, architect, design, and interior); History (person, event or patterns); Environment (continuity, setting, landmark); and Integrity.

Heritage Survey

The Foundation for San Francisco's Architectural Heritage also surveyed downtown structures and, in 1979, published the results in the book *Splendid Survivors*. (The Heritage survey was based on a model put forth by Harold Kalman in his book *The Evaluation of Historic Buildings, A Manual*, published by the Canadian government in 1978; the same 13 rating categories from the Heritage survey were in turn later adopted for the Downtown Plan survey.) Summary ratings from "A" to "D" were assigned to each building on the basis of the evaluation of the 13 categories, with "A" representing buildings of Highest Importance. B-rated buildings were termed of Major Importance, while C-rated buildings were determined to be of Contextual Importance. D-rated structures were considered of Minor or No Importance.

The 116-124 Maiden Lane building, also known as the Lloyd Building, appears in *Splendid Survivors* with a rating of "C – Contextual Importance." The listing reads: "A three-part vertical composition with differentiated end bays and restrained Renaissance/Baroque ornamentation. Brick construction. It is the texture of the brick wall that is important in the context of Maiden Lane (rather than the composition which is difficult to perceive in so narrow a place.)"² Rating sheets supporting this listing assigned 32 points out of a possible 90 points to the building. The scores are in the "good" and "very good" range for most categories.³

The full *Splendid Survivors* description of C-rated buildings is:

C. Contextual Importance. Buildings which are distinguished by their scale, materials, compositional treatment, cornice and other features. They provide the setting for more important buildings and they add visual richness and character to the downtown area. Many C-rated buildings may be eligible for the National Register as part of historic districts.

Office of Historic Preservation

The Office of Historic Preservation of the State of California maintains a computer listing of all buildings in the State that have been evaluated as potential historic resources. Having received the inventory sheet prepared for 116-124 Maiden Lane subsequent to the *Splendid Survivors* survey, the Office of Historic Preservation listed the building in its inventory. The 116-124 Maiden Lane building was assigned a National Register status code designation of "3S," which means "appears eligible to the National Register as a separate property."⁴

² Page, Charles Hall & Associates, Inc. *Splendid Survivors*. San Francisco: California Living Books, 1979.

³ Building file, San Francisco Architectural Heritage.

⁴ Office of Historic Preservation, State of California. Directory of Properties in the Historic Property Data File for San Francisco County [computer listing].

On February 8, 1999, a telephone conversation with Michael Corbett⁵, principal author of *Splendid Survivors*, clarified the manner in which individual building records (DPR Form 523) were prepared after the survey that produced *Splendid Survivors*. The sheets were prepared, by Corbett and others, using information obtained in their survey. The individual building ratings (National Register status codes) were initially made to conform with the letter grade ratings in *Splendid Survivors*.⁶ Therefore, a building rated "C" [contextual importance] would be given a code of "3D" [appears eligible to the Register as a contributing property], rather than "3S". But, according to Corbett, the status code could have been raised later when the building was seen to be a part of a conservation district, or when the DPR Form 523 was reviewed by the Office of Historic Preservation (OHP). A telephone conversation with M. Thompson⁶ of that Office on February 23, 1999 confirms that the OHP is not bound by the ratings of local reviewers in applying a National Register status code to a given building. It is unclear whether the rating of 116-124 Maiden Lane as a "3S" instead of a "3D" represented a conscious decision or an error of some kind, since there is no documentation available other than the Heritage survey and the DPR form which would support a "3D" rating.

2. Unreinforced Masonry Building Ordinance

In 1993, the City and County of San Francisco Board of Supervisors adopted Ordinance 225-92, the Unreinforced Masonry Building (UMB) Seismic Retrofit Program, with the primary goal of reducing injury and loss of life from unreinforced masonry buildings during seismic events. The research presented to the Board found that during an earthquake the risk to life comes primarily from certain existing buildings which have unreinforced masonry bearing walls. It was also found that there were approximately 2,100 UMBs in San Francisco; the majority of which were built soon after the 1906 earthquake. These buildings as a group were generally found to be between one and four stories tall, and in commercial or industrial use. Because of their age, UMBs were recognized as "important reminders of San Francisco's past" with 40 buildings being City designated Landmarks and most of the remaining being either significant or contributory to existing or proposed historic districts.

The Environmental Impact Report (EIR) entitled *Earthquake Hazard Reduction in Unreinforced Masonry Buildings: Program Alternatives* found that a large number of the UMBs were within the downtown area and 133 were within the Kearny-Market-Mason-Sutter Conservation District. Of those 133 buildings, 70 were Category IV-Contributory Buildings as is the existing building at 116-124 Maiden Lane. The EIR acknowledged that there would be a number of different "building outcomes" as a result of the adoption of a hazard reduction ordinance, some of which could lead to demolition and program-induced new construction. The EIR also stated that it was not intended to be a program EIR in that it did not attempt to cover all of the indirect effects which could occur as a result of the adoption of an Hazard Reduction Ordinance such as possible future redevelopment of specific UMBs, but that "subsequent applicable owner decisions related to specific site would still be subject to CEQA review."

⁵ Page & Turnbull, Inc. *Historic Resource Study, 116-124 Maiden Lane*. March 29, 1999.

⁶ Ibid.

The 1,650 buildings subject to the UMB Ordinance are required to be seismically strengthened by a deadline (from 1997 to 2007) that is based on the “risk level” to which each building is assigned.⁷ Approximately 410 have been upgraded and another 335 have been granted permits for their upgrade work. Upgrading plans for about 130 additional buildings are under review by the Department of Building Inspection (DBI). Fifteen buildings have received extensions of time for compliance and about 750 UMBs await action under the ordinance. About 55 UMBs throughout the City have been demolished.

The 116-124 Maiden Lane building was classified as being within Risk Level 3. This means that the building must be brought into compliance with the requirements of the ordinance by February 15, 2004.

3. Project Site

Building History

The building at 116-124 Maiden Lane is thought to have been completed in 1909, but was built to plans prepared in late 1906 by M. J. Lyon, Architect, for Reuben H. Lloyd. Contractor was the John Ince Construction Co.⁸ The style of the building is 20th century classical revival, typical of small commercial blocks built in the first decade of this century.

M. J. Lyon, the building’s architect, was born in Portland, Oregon in 1868. He came to California in 1884 and apprenticed to H. C. Macy until 1889 when he embarked on a tour of the country and later attended Columbia College and the Metropolitan Art School in New York City. He returned to San Francisco in the 1890s and practiced architecture. A number of his buildings are no longer standing, but some have prominence even today. He designed the synagogue at 1881 Bush Street, built in 1898 as Congregation Ohabai Shalom, the garage at 1353-1355 Bush Street [1906], and the building at 381-383 Bush Street (southeast corner at Kearny) known as the Alto Building [1907]. Lyon died in 1944.⁹

Building Construction and Condition

M. J. Lyon designed a simple commercial block, placed on a lot 40 ft. wide and 40 ft. deep, with brick masonry exterior walls and interior framing of wood. There was a full basement. Brick foundations surviving the 1906 earthquake-fire were retained, but were supplemented by the addition of concrete piers supporting interior timber columns. The wall facing “Union Square Avenue,” as

⁷ 369 identified UMBs are exempt from the ordinance for varying reasons: 108 were strengthened prior to adoption of the ordinance; 65 are residential buildings of fewer than five units; 15 are subject to provisions of the Field Act, which governs the seismic requirements of public school facilities; and 181 buildings on the DBI list have been determined to have steel or concrete frame walls. Information current as of January 31, 1999, San Francisco Department of Building Inspection.

⁸ Page & Turnbull, Inc. *Historic Resources Study, 116-124 Maiden Lane*. March 29, 1999.

⁹ Ibid.

Maiden Lane was then known, was indicated to be covered in white and red pressed brick, together with galvanized iron moldings and cornices. As built, white glazed brick was used, and the red pressed brick was omitted. The ground floor story, sixteen feet in height, was divided into three bays, separated by brick masonry pilasters with galvanized iron capitals. The building was entered from the easternmost bay, where a double door of wood and glass was shown surmounted by a "clathri" (grill-work) screen.¹⁰ The detailing of this floor has been altered several times, beginning in 1923, and most recently in 1988 when new cement plaster finish (stucco) rusticated to look like stone was placed on top of the existing glazed brick on the ground floor exterior walls.¹¹

The elevation of the upper three stories is set off from the lower story by a galvanized iron entablature. A more restrained metal string course is placed between third and fourth stories, and a classical cornice, also of metal, caps the entire composition. The horizontal divisions divide the elevation into three zones corresponding to "base, shaft and capital" that are almost always encountered in buildings of this style. Glazed brick pilasters separate the three main bays of the fourth-floor elevation and "support" the cornice. Single windows occupy outer bays and double windows the central bay on each floor (see Figure 8, for a photograph of the existing building). Original plans show the windows as double-hung wood units; they are now aluminum framed units with fixed panel above two sliding panels.

Character of Maiden Lane

Maiden Lane has a long and colorful history. It is not shown on William Eddy's official map of San Francisco of 1851; the block defined by Geary, Post, Stockton and Dupont [later Grant] shows six lots, 50 *varas* square, similar to all the other north-of-Market blocks.¹² But the U.S. Coast Survey map of 1857 does show that buildings being built on this block, together with the block to the east, were organized with a central alley running east-west.¹³ Possibly, this arrangement was seen as a way of increasing the number of lots with frontage. The alley became known as Morton Alley, or Morton Street. In the late 19th century, and in contrast to the respectability of the west side of Union Square, Morton Street was "two blocks of depravity ruled by a lady known as Iodoform Kate. Compared to the cribs she operated, the worst dive in Pacific Street was as chaste as a Southern Pacific waiting room."¹⁴ According to M.P. Doss, "Prostitutes sat here in open windows, nude to the waist, and solicited passersby."¹⁵

After the earthquake-fire, the business of sin moved elsewhere. Merchants tried two new names, Union Square Avenue [seen on the original plans for the Lloyd Building], and Manila Avenue, to relate to the Union Square monument, which commemorates Commodore Dewey's victory at Manila

¹⁰ Page & Turnbull, Inc. *Historic Resources Study, 116-124 Maiden Lane*. March 29, 1999.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

Figure 8 - Existing Building



Existing 116-124 Maiden Lane Building looking east towards Grant Avenue.

Source: Page & Turnbull, Inc., *Historic Resource Study*, March 29, 1999.

Bay in the Philippines. These names didn't stick and in 1922 a local jeweler suggested Maiden Lane, after one of the streets in New York's diamond center. That name has survived.¹⁶

Of the two blocks of Maiden Lane, the block between Stockton Street and Grant Avenue is the more successful, because more buildings on the southern side of the Lane are low enough to allow noonday sun to light part of the street. The block of Maiden Lane to the west, because of higher buildings, is in shadow more of the time during winter at midday. The proximity of Union Square itself is a source of implied spatial relief on the western block as well.

Building Significance

As noted above, the 116-124 Maiden Lane building has been designated a Category IV (Contributory) building in the Kearny-Market-Mason-Sutter Conservation District under Article 11 of the Planning Code. The building appears in the Downtown Plan survey, in the Foundation for San Francisco's Architectural Heritage's *Splendid Survivors*, and is listed in the State of California's Historic Property Data File maintained by the California Historic Resources Information System. It does not appear in the early *Here Today* survey, or in the city-wide Architectural Quality Survey conducted by the Department of City Planning in 1976, and has not been nominated for selection as a City designated landmark.

The various ratings of the building generally underline its contextual importance. It is a part of a conservation district and it is a contributor to that district. Contributory buildings are usually of a lesser importance than those more distinguished properties receiving higher ratings. Category IV buildings provide the context against which the more important buildings of the district are viewed. The *Historic Resource Study*¹⁷ for the 116-124 Maiden Lane building did not concur with the designation of the Office of Historic Preservation that the Lloyd Building is eligible to the Register "as a separate property." Because the ground floor elevation has been changed a number of times and none of the fenestration is original, the study's authors did not believe the building has sufficient integrity to "embody [the] distinctive characteristics of a type, period, or method of construction." [Criterion C, Design/Construction, of the National Register eligibility standards.] It would not appear to qualify under any of the other National Register criteria.¹⁸

4. Kearny-Market-Mason-Sutter Conservation District

The Downtown Plan, an area plan in the *San Francisco General Plan*, identified areas of Downtown as having concentrations of buildings worthy of particular recognition as districts.

"Certain sections of downtown have concentration of buildings that together create geographic areas of unique quality. In these areas, buildings of a somewhat lesser quality than those required to be retained take on an increased importance. These buildings help create a setting that

¹⁶ Page & Turnbull, Inc. *Historic Resources Study, 116-124 Maiden Lane*. March 29, 1999.

¹⁷ Ibid.

¹⁸ Ibid.

reinforces and complements the qualities of the more significant structures in the area and their own attributes are more apparent and appreciated.” (Downtown Plan, p. II.1.25)

The project site is within the Kearny-Market-Mason-Sutter (KMMS) Conservation District, one of six such districts defined under Article 11 of the City Planning Code. The KMMS covers all or part of 36 city blocks, with the retail area around Union Square as its focus. Its name notwithstanding, the district extends west as far as Shannon Alley (between Jones and Taylor Streets), as far north as Pine Street, east to the rear lot lines or some parcels on the east side of Kearny Street, and south across Market Street to Jessie Street to encompass the former Emporium department store building.

According to Article 11 of the Planning Code, the KMMS Conservation District encompassed 324 buildings at the time of its creation, including 114 Significant (Category I or II) and 140 Contributory (Category IV) structures with the remainder of the buildings being Category V or unrated. It is far larger than the other five conservation districts, which contain an average of fewer than 25 structures about three-quarters of which are Contributory. Since its designation in 1985, the KMMS Conservation District has generally remained intact, having lost only two Contributory buildings (one, the Musto Building at 166 Grant was a partial demolition) and no Significant buildings.

The Planning Code Article 11, Appendix E, Section 5 describes the basic nature of the KMMS Conservation Districts as:

...development is one of small scaled, light colored buildings predominantly four to eight stories in height. The height and scale provide for a streetscape which is attractive to the pedestrian because of the comfortable scale and sunlit sidewalks. This dense area is the heart of San Francisco’s retail and tourist sectors, containing a concentration of fine shops, department stores, theaters, hotels and restaurants. As such, it is one of the main attractions to tourists from around the country and the world, as well as the prime retail district in the Bay area. The district is further defined by the location of Union Square in its heart. This square is, in many ways, the premier public open space in the City, as well as a primary public forum.”

The Code goes on in Section 6 to describe the architectural features of the District as:

... the building facades reflect the different architectural functions of the building. For the most part, building facades in the district are two- or three-part vertical compositions consisting either of a base and a shaft or a base, a shaft and a capital.

...the facade of a building is often divided into bays expressing the structure (commonly steel and reinforced concrete) beneath the facade. This was accomplished through fenestration, structural articulation or other detailing which serves to break the facade into discrete segments.”

“The massing of structures is usually a simple vertically oriented rectangle with a ratio of width-to-height generally from 1:2 to 1:4. This vertically oriented massing is an important characteristic of the District. ...the buildings in the Kearny-Market-Mason-Sutter Conservation District are built to the front property line and occupy the entire site. The buildings are of small to medium scale. The bay width is generally from 20 to 30 feet. Heights generally range from four to eight stories on lots 40 to 80 feet wide, although a number of taller buildings exist. The wider

frontages are often broken up by articulation of the facade, making the buildings appear narrower. The base is generally delineated from the rest of the building giving the District an intimate scale at the street.”

“Buildings are usually clad in masonry materials over a supporting structure. The cladding materials include terra cotta, brick, stone and stucco. Wood, metal and metal panels are not facade materials, although painted wood and metal are sometimes used for window sash and ornament. The materials are generally colored light or medium earth tones including white, cream, buff, yellow, and brown. Individual buildings generally use a few different tones of one color. To express the mass and weight of the structure, masonry materials are used on multidimensional wall surfaces with texture and depth, which simulates the qualities necessary to support the weight of a load-bearing wall.”

C. URBAN DESIGN AND VISUAL QUALITY

The project site lies within a developed urban area, and fronts on a street which is small in width and length. While urban design and aesthetics are subjective fields, there is general consensus that the area boasts a cohesive urban character, and that Maiden Lane is one of the City’s beloved urban spaces.

The success of Maiden Lane as a distinctive street, and not just another alley, lies in its short length, narrow width, and axial relationship with longer-range visual markers. At any point along the Lane one can look west and see the Dewey monument punctuating the vista, with the St. Francis Hotel looming beyond (see Figure 9). One can look east and see the four-bay facade of the Maskey Building across Kearny Street (see Figure 10). The Maskey building was reduced from six bays in 1983-1984 and specifically retained on the site at 88 Kearny in order to terminate the Maiden Lane vista. The street space, including sidewalks and roadway, is only about 30 feet wide. Buildings along the Lane are typical of the larger conservation district, but extremely varied in size, height, and detailing. The street is so narrow that it is hard to step back far enough to be able to perceive the composition of each building facade. As the *Splendid Survivors* listing points out, the texture of the brick on the facade of the Lloyd Building is more important [to the streetscape] than its composition, which is “difficult to perceive in so narrow a place.”¹⁹

¹⁹ Page, Charles Hall & Associates, Inc. *Splendid Survivors*. San Francisco: California Living Books, 1979.

Figure 9 - Street Setting (looking west)



Source: Page & Turnbull, Inc., *Historic Resource Study*, March 29, 1999.

Figure 10 - Street Setting (looking east)



Source: Page & Turnbull, Inc., *Historic Resource Study*, March 29, 1999.

IV. ENVIRONMENTAL IMPACTS

As noted in the previous chapter on the environmental setting, the Initial Study (see Appendix A, for the Initial Study) determined that the effects of the project in the environmental categories of land use, visual quality, population, transportation/circulation, noise, air quality/climate, utilities/public services, biology, geology/topography, water, energy/natural resources, hazards, and archaeological resources would either be insignificant or would be reduced to a less than significant level by mitigation measures included in the project. Therefore, this impacts chapter does not discuss these issues but limits the discussion to those areas that were felt to have a potential for environmental effects, i.e. architectural resources and urban design (within the context of the architectural resources). The discussion on land use changes which were found not to cause significant environmental effects are included for informational purposes.

A. LAND USE

Land uses in the general Union Square area are hotels, high intensity retail, restaurants, and consumer service uses. In the block of Maiden Lane just off Union Square where the proposed project is located, the land use is generally the same, albeit to a lesser degree of intensity, with smaller boutiques and speciality shops rather than department stores and hotels. The proposed project was found to have no significant impacts in the Initial Study (see Appendix A) as the project would not alter the land use of the area, nor would it disrupt or divide the neighborhood, since it would occur within the context of the existing block configuration and street grid. As the proposed project would continue the retail land use of the immediate area, it would not be out of existing character of the vicinity.

B. HISTORICAL ARCHITECTURAL RESOURCES

The California Environmental Quality Act (CEQA) Section 21084.1 states that "a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." A "historic resource" is defined as one that is listed in, or determined eligible for listing in, the California Register of Historic Resources, one that is identified as significant in a local register of historical resources, such as Article 10 and Article 11 of the San Francisco Planning Code, or one that is deemed significant due to its identification in an historical resources survey which meets the requirements of Public Resources Code Section 5024.1(g). A "substantial adverse change" is defined as "demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be impaired."

The question as to whether the project would have a significant impact within the context of CEQA to the 116-124 Maiden Lane building is primarily dependent on whether or not the building is deemed to be a historic resource under CEQA. If the building itself is not a historic resource under CEQA, then the demolition proposed by the project would not be a significant impact; however, if

the building were determined to be a historic resource under CEQA, then according to CEQA Guidelines (Section 15064), the demolition proposed by the project would be a significant impact within the context of CEQA. Other questions considered in this analysis include whether the Kearny-Market-Mason-Sutter (KMMS) Conservation District would be substantially affected by the demolition and new construction proposed at 116-124 Maiden Lane and whether the project in combination with other past and reasonably foreseeable future projects would cumulatively impact the KMMS Conservation District.

116-124 Maiden Lane Building

As noted in Chapter III - Environmental Setting, the 116-124 Maiden Lane building is a Category IV (Contributory) Building of Contextual Importance under Article 11 of the San Francisco Planning Code. The building is an older structure, of some architectural and historic interest, although, it is not identified in Article 11 or the San Francisco Heritage survey as having individual importance but rather as being of contextual importance. For that reason, the listing of the 116-124 Maiden Lane building in Article 11 does not strictly appear to meet the CEQA definition of an historic resource as one “identified as significant in a historic resource survey.”¹ Also, the building does not clearly meet the definition of one “deemed significant” pursuant to Public Resources Code 5024.1(g) because it is identified in a survey that does not appear to meet all four criteria in that section, although the building has been included in the State’s data base of historic resources.

As noted in the Setting Section, demolition of Category IV buildings from which no development rights have been transferred, as is the case with 116-124 Maiden Lane, is generally permitted under Article 11. Under Section 1112.2 of the Planning Code, an application for the demolition of a Contributory Building in a conservation district shall be approved if a permit has been issued for a replacement structure, in accordance with Section 1113, which requires that new construction be compatible in scale and design with the conservation district.

When the building at 116-124 Maiden Lane was evaluated for the Downtown Plan and Article 11, it scored 34 points out of a possible 90 total points; this placed it in the approximate middle of the Contextual category whose buildings had cumulative point scores of between 20 to 44 points. The building has very limited ornamentation and has been altered over time. The building’s overall integrity has been affected by the replacement of original windows with modern aluminum sashes and substantial renovation to the ground level street facade. For all these reasons, the 116-124 Maiden Lane Building is not considered a “significant historic resource” as defined by CEQA, and the demolition of the building as allowed under Article 11 is not a significant environmental impact for the purposes of CEQA.

¹ CEQA Guidelines Section 15064.5.

Kearny-Market-Mason-Sutter Conservation District

As described in Chapter III, Environmental Setting, Article 11 of the San Francisco Planning Code establishes the Kearny-Market-Mason-Sutter (KMMS) Conservation District. The KMMS district comprises most of San Francisco's retail core, and contains 254 rated buildings.² Of those buildings 114 are rated Category I or II, and are therefore considered significant buildings of individual importance. There are also 140 Category IV buildings within the KMMS district which are defined as "contributory, within a defined conservation district." The remainder of buildings within the district is deemed by Article 11 to be Category V Buildings or unrated and "not designated as Significant or Contributory" to the district. Because the KMMS District is identified in the *San Francisco Planning Code* as a significant concentration of buildings deserving of conservation and preservation, it is clear that the District as a whole meets the definition of a historic resource contained in CEQA.

The KMMS Conservation District is mostly intact, only two buildings (both rated as contributory or Category IV) have been demolished since the District was established in 1985. The most notable example of removal of a Category IV building has been at 251-259 Geary Street, for an extension of Macy's department store. From an urban design viewpoint, 251-259 Geary Street was more important than the building at 116-124 Maiden Lane, since it was a contributor to the combined elevation of buildings along the south wall of Union Square. Its demolition was ultimately allowed because the replacement construction would remove a unsatisfactory and non-contributory elevations to the east and west of 251-259 Geary and allowed the redesign of an important segment of the Union Square "wall;" because the new construction could be used to seismically brace the main Macy's building to the south (a Category I building); and because the cumulative effect of its removal would not impair the character or quality of the conservation district as a whole.³

The second demolition of a Category IV building occurring within the KMMS district was a partial demolition. The top three floors of the Musto Building at 166 Grant Avenue were removed in 1997. According to information in the Planning Department records, the Musto Building was constructed as a three-story commercial building in 1908 as a part of the great building boom after the 1906 earthquake. The three-story addition removed had been added in 1917.

In addition to being mostly intact, the District covers a very large area (36 blocks or portions of blocks) with a large number of buildings (324 buildings both rated and unrated). The KMMS District is the largest of the six conservation districts designated in the City, the other five being substantially smaller in size being between one and eight blocks or portions of blocks.

² City and County of San Francisco, Planning Code-Article 11 Appendix E.

³ San Francisco Landmarks Preservation Advisory Board, File No. 96.228ACEX, Resolution No. 493, November 6, 1996.

New construction in a conservation district is required by the Planning Code, Section 1113 to be compatible in scale and design with the district. Appendix E sets out the standards for compatibility of new construction in the KMMS Conservation District. This section of the Code states that all new construction and major alterations “shall be compatible with the District in general with respect to the buildings composition and massing, scale, materials and colors, and detailing and ornamentation.” The Code does not require or even encourage new buildings to imitate the styles of the past.

Specific guidance for compatible design enumerated in Section 6, Appendix E, Article 11 of the Planning Code, as:

Massing and Composition. Building facades two- or three-part vertical compositions. Facades divided into bays. Massing usually simple vertically oriented rectangle, with width to height 1:2 to 1:4. Buildings built to front property line.

Scale. Buildings are from small to medium scale. Bay width 20-30 feet. Heights from four to eight stories on lots 40 to 80 feet wide.

Materials and Colors. Buildings usually clad in masonry materials over supporting structure. Cladding includes terra cotta, brick, stone and stucco. Materials are generally colored light or medium earth tones. Surfaces have texture and depth.

Detailing and Ornamentation. Buildings use expression of texture and depth to simulate appearance of load-bearing walls. Buildings not constructed in single style, but with ornament drawn from a variety of historical sources.

Section 7, Appendix E, Article 11 of the Planning Code details standards and guidelines for review of new construction. The same four features of the conservation district are discussed again, with additional guidance:

Composition and Massing. Height and massing of new buildings should not alter traditional scale. Appropriate streetwall height established by reference to prevailing height of buildings on block, especially adjacent buildings.

Scale. Existing scale of buildings in the vicinity should be maintained.

Materials and Colors. Preferred: brick, stone, concrete. Light colors should be used.

Detailing and Ornamentation. New building should relate to surrounding area by picking up elements form surrounding buildings and repeating them or developing them for new purposes. May use modern vernacular.

The new building proposed for the 116-124 Maiden Lane site is described in Chapter II - Project Description and has been designed to meet the above standards for compatibility. The design for the replacement structure will undergo review by Planning Department staff as required by Article 11 and Section 309 of the Planning Code to assure conformity with the compatibility requirements. In addition, an independent evaluation of the compatibility of the replacement structure was made by

historic architect J. Gordon Turnbull.⁴ His findings were that the replacement design seemed to be in conformance with the Code requirements for the following reasons:

Composition and Massing: The height of the proposed project certainly does not alter the traditional scale of buildings, streets and open spaces. The proposed building is built to the property line. A two- or three-part vertical composition is advised by Article 11, with the lowermost portion relating to pedestrians. The proposed project has a two-part organization, with glazed openings to relate to pedestrians and a wide band of terra cotta facing above.

Scale: The Planning Code guidelines ask that the overall composition be broken into smaller parts that relate to human scale. The proposed façade offers doorways, show windows, ornamental lights, decorative bronze trim, upper story windows, and building identification to view, so that the available wall surface is adequately subdivided. Window sizes relate adequately to the sizes of fenestration in adjacent or nearby buildings.

Materials and Colors: The replacement building face is proposed to be light colored Terra cotta and limestone. These materials and colors are preferred under the guidelines as being compatible with the District.

Detailing and Ornamentation: The guidelines ask that the new building relate to its surroundings by picking up elements from its surroundings and developing them for new purposes. This design is typical of some of the more modern treatments along its block.

The demolition and replacement construction will occur on a street (formerly an alley) where perceptions about individual building elevations or character are on a small scale. Because of the narrow width of Maiden Lane, perception is limited to a few buildings at a time rather than a broader vista. Removal of the 116-124 Maiden Lane building will leave the district visually intact, with 114 Significant and 137 contributory buildings remaining in the Conservation District. For the above reasons, the effect of the proposed demolition of 116-124 Maiden Lane on the District would be less than significant.⁵

Cumulative Effects

To look at the cumulative effects on the KMMS Conservation District, the impact of the proposed demolition of the building at 116-124 Maiden Lane must be considered in the light of any other demolitions of Category I, Category II, or Category IV buildings that have already occurred in the KMMS district since it was designated in 1985, and reasonably foreseeable future demolitions. For purposes of this analysis “reasonably foreseeable” future projects are defined as those which have been approved or for which an environmental evaluation application was active at the time of the

⁴ Page & Turnbull, *Historic Resource Study, 116-124 Maiden Lane*, March 29, 1999.

⁵ Ibid.

publication of the Notice of Preparation for this EIR on December 11, 1998. It should be noted that these reasonably foreseeable future projects do not include potential demolition of the approximate 80 remaining UMBs within the District that have not had their seismic work either started or completed. This is because compliance with the UMB ordinance can be achieved in a variety of ways, including seismic strengthening that would preclude demolition. Also, the potential cumulative effects of the UMB ordinance itself have been conservatively and comprehensively addressed by the UMB EIR (Case No. 89.122E, Certified July 11, 1999) which is included herein by reference.

As noted above, the KMMS Conservation District is mostly intact, covers a very large area with a large number of buildings, and few demolitions have occurred within its boundaries since it was established. In addition to the actual demolitions of the buildings at 251-259 Geary Street and 166 Grant Avenue, potential future changes to the District include:

835 Market Street - The Emporium Building (Case No. 98.090E) The project sponsor has proposed to substantially demolish this Category I (Significant) building to build a 1.5 million square feet of mixed use development. The project would retain and rehabilitate the facade, dome and a portion of the rotunda incorporating them into the new development. A Draft EIR was circulated for public comment in December, 1998, however, the EIR has not yet been certified and no decision has been made on the proposal.

125-129 Geary Street (Case No. 98.813E) The demolition of this Category IV (Contributory) building has been proposed for an approximate 61,000 square foot expansion of the neighboring Neiman Marcus Department Store. An application for environmental evaluation was filed on November 6, 1998 and a Draft EIR is expected to be released for public review in May, 1999.

While some of the other potential changes to the district may themselves constitute significant adverse effects, it is not clear that those effects would be in any way more severe with the demolition of the building at 116-124 Maiden Lane. Likewise, the proposed demolition at 116-124 Maiden Lane would occur on a street (formerly an alley) where individual building elevations are small in scale and because of the narrow width of the street the viewers' perception is formed by viewing no more than a few buildings at a time. In addition, replacement structures are required to be compatible with the features of the District. For these reasons, the cumulative effect of the proposed demolition of 116-124 Maiden Lane when combined with other past and reasonably foreseeable future demolitions in the District would be less than significant.

C. URBAN DESIGN AND VISUAL QUALITY

As noted in the previous section on architectural resources, new construction in a conservation district is required by the Planning Code, Section 1113 to be compatible in scale and design with the district. According to the Planning Code all new construction and major alterations "shall be compatible with the District in general with respect to the buildings composition and massing, scale, materials and colors, and detailing and ornamentation." Therefore, any new construction would not

be allowed until the Planning Department reviewed the design and found that it met the requirements of the Code for compatibility.

As discussed in Chapter III - Environmental Setting, the urban design characteristics and the success of Maiden Lane as a distinctive street lie in its short length, narrow width, and axial relationship with the longer-range visual markers such as the Dewey Monument in Union Square and the facade of the Maskey Building across Kearny Street. The demolition of the existing 116-124 Maiden Lane building and the construction of a new building which meets the criteria for compatibility in Article 11 will not substantially change these urban design and visual quality aspects of the area. Therefore, although there will be a change to the immediate Maiden Lane area with the demolition and new construction, the project would not have a significant impact on urban design and visual quality.

D. GROWTH INDUCEMENT

In general, a project would be considered growth-inducing if its implementation would encourage population increases and/or new development that might not occur if the project were not improved and implemented. The proposed project would consist of infill (or replacement) development after demolition of an unreinforced masonry building. As noted in Chapter II, Project Description, there would be a decrease in floor area of approximately 2,610 square feet. There would also be fewer jobs on the project site with the replacement building than could be accommodated by the existing building, there is no reason to believe that the project would result in additional development in Downtown San Francisco that would not occur otherwise.

V. MITIGATION MEASURES

CEQA requires identification of “mitigation measures” to reduce any significant impacts that could occur as result of implementation of the project. No potentially significant environmental impacts related to historic architectural resources or urban design quality have been identified and therefore, no related mitigation measures are proposed for the project. Measures identified in the Initial Study are listed below. Measures that are not required but would serve to improve the project are also listed below.

A. MEASURES PROPOSED AS PART OF THE PROJECT FROM THE INITIAL STUDY

1. Mitigation Measure No. 1: Construction Air Quality

The project sponsor would require the contractor(s) to spray the site with water during demolition, excavation, and construction activities; spray unpaved construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soils, sand or other such material; and sweep surrounding streets during demolition, excavation, and construction at least once per day to reduce particulate emissions.

Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the project sponsor would require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose. The project sponsors would require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as a prohibition on idling motors when equipment is not in use or when trucks are waiting in queues, and implementation of specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.

2. Mitigation Measure No. 2: Archaeological Resources

Should evidence of archaeological resources of potential significance be found during ground disturbance, the project sponsor would immediately notify the Environmental Review Officer (ERO) and would suspend any excavation which the ERO determined could damage such archaeological resources. Excavation or construction activities which might damage discovered cultural resources would be suspended for a total maximum of four weeks over the course of construction.

After notifying the ERO, the project sponsor would select an archaeologist to assist the Office of Environmental Review in determining the significance of the find. The archaeologist would prepare a draft report containing an assessment of the potential significance of the find and recommendations for what measures should be implemented to minimize potential effects on archaeological resources.

Based on this report, the ERO would recommend specific additional mitigation measures to be implemented by the project sponsor.

Mitigation measures might include a site security program, additional on-site investigations by the archaeologist, and/or documentation, preservation, and recovery of cultural materials. Finally, the archaeologist would prepare a draft report documenting the cultural resources that were discovered, an evaluation as to their significance, and a description as to how any archaeological testing, exploration and/or recovery program was conducted.

Copies of all draft reports prepared according to this mitigation measure would be sent first and directly to the ERO for review. Following approval by the ERO, copies of the final report would be sent to the President of the Landmarks Preservation Advisory Board and the California Archaeological Site Survey Northwest Information Center. The Planning Department shall receive three copies of the final report.

VI. SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

In accordance with Section 21067 of the California Environmental Quality Act (CEQA), and with Sections 15040, 15081 and 15082 of the State CEQA Guidelines, the purpose of this chapter is to identify impacts that could not be eliminated or reduced to an insignificant level by mitigation measures included as part of the project, or by other mitigation measures that could be implemented, if any.

This chapter is subject to final determination by the City Planning Commission as part of its certification process for the EIR. The Final EIR will be revised, if necessary to reflect the findings of the Commission.

The project would remove and replace a Category IV building with a smaller new building and would not result in any significant impacts. The Building proposed for demolition is of contextual importance and its removal would not significantly affect the Kearny-Market-Mason-Sutter Conservation District, which is a "historical resource" as defined in CEQA, Section 21084.1. Reasons for these conclusions are provided in Chapter V, Environmental Impacts.

VII. ALTERNATIVES TO THE PROPOSED PROJECT

This chapter identifies alternatives to the proposed project and discusses the environmental impacts associated with each alternative. Project decision-makers could adopt any of the following alternatives, if feasible, instead of approving the proposed project.

A. ALTERNATIVE 1: NO PROJECT

The No Project Alternative would entail no change to the site and would leave the existing building as it is. No demolition would occur with this alternative and none of the potential impacts to the environment would occur. There would be nothing to preclude re-occupancy of the vacant portions of the building. This would be acceptable in the short term and avoid the of the demolition of the building, an impact that was found to be less than significant under CEQA and would also avoid the less than significant impact to the KMMS Conservation District.

It should be noted, however, that the building is on the city's list of Unreinforced Masonry Buildings, and the building owners have received notification that the city will require seismic retrofit or demolition of the building by the year 2004 in order to abate the seismic hazard. Therefore, because of the need to comply with the City's Unreinforced Masonry Building Ordinance, the No Project Alternative would not be considered a reasonable solution for the longer term.

B. ALTERNATIVE 2: PRESERVATION ALTERNATIVE

The Preservation Alternative would retain the existing building in place and would rehabilitate and seismically upgrade the structure in accordance with the requirements of applicable building code standards. The rehabilitated structure could than be used for retail on the ground floor and for retail or office use on the upper three stories. This alternative would also avoid the demolition of the building, a less than significant impact, and would not create any change to the KMMS Conservation District. This alternative would be the most acceptable one from the perspective of preserving the existing contextual historic structure and, therefore, would be considered the "environmentally superior" alternative.

The required seismic work necessary for compliance with the UMB Ordinance was analyzed by the project sponsor. That analysis concluded that compliance would likely require, at a minimum, the following rehabilitation construction (although other UMB complying solutions may also be available): brace facade with a structural steel moment frame; reinforce side walls and back wall with shotcrete; add structural elements to carry increased vertical loading at the offset upper portion of the rear facade; remove roof for access behind facade, replace roof; tie floors into reinforced structures and replace warped flooring material; and reinforce foundation.

In addition to the seismic work listed above other upgrades are necessary to bring the building into compliance with current codes. This work includes: replacing the existing stairway and adding

additional stairway; replacing all obsolete mechanical, electrical and plumbing systems; replace existing toilet facilities and adding new so that one facility is located on each floor; replace elevator; and add fire protection sprinklers.

This alternative would have construction impacts in the area of noise, air quality (fugitive dust) and hazardous materials from the removal of lead based paint and other potentially problematic old building materials such as asbestos. These impacts would most likely be slightly less intensive than those expected with the proposed project which involved the construction of a new building. The construction disruption to the neighborhood would also be slightly less. As the impacts of the proposed project were determined to be less than significant, the less intensive impacts of the Preservation Alternative would also be less than significant.

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Sacramento, CA 94926-0001

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Attn: Stanley Smith

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San Francisco, CA 94108

Gallery Cyclo
116 Maiden Lane
San Francisco, CA 94108

Cafe Akimbo
116 Maiden Lane
San Francisco, CA 94108

Trinity Properties
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San Francisco, CA 94103

City Center Retail Trust
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San Francisco, CA 94108

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Attn: Gabe Roth, City Editor

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San Francisco, CA 94111
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San Francisco, California 94105

Doug Greenholz

X. APPENDICES

APPENDIX A: INITIAL STUDY

**NOTICE THAT AN ENVIRONMENTAL IMPACT REPORT
IS DETERMINED TO BE REQUIRED**

Date of this Notice: December 11, 1998

Lead Agency: Planning Department, City and County of San Francisco
1660 Mission Street - 6th Floor, San Francisco, CA 94103-2414

Agency Contact Person: Joan A. Kugler, AICP

Telephone: (415) 558-6396

Project Title: 98.833E: 116-124 Maiden Lane

Project Sponsor: Tilton - Maiden Lane Partners

Project Contact Person: Doug Greenholz, Conversion Management Associates, Inc.

Project Address: 116-124 Maiden Lane
Assessor's Block(s) and Lot(s): Block 309, Lot 16
City and County: San Francisco

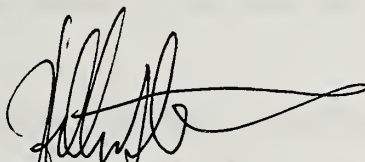
Project Description: The proposed project would demolish the existing, partially occupied, 4-story (plus full basement), 53-foot-tall, 7,700 sq.ft. retail/office building and construct a new two-story (plus full basement), 40-foot-tall building (36 feet plus a 4-foot parapet) with approximately 4,992 sq.ft. of retail space. The new structure is proposed to cover the entire lot as does the current building and would be relatively small-scaled and finished in a light colored terra cotta tile. It is anticipated that the new building would accommodate a single "high-end" retailer similar to other buildings in the Union Square/Maiden Lane/Post Street area. The existing building is located within the Kearny-Market-Mason-Sutter Conservation District and is designated a Category IV-Contributory Building.

The project site is located within the Union Square shopping district on the north side of Maiden Lane between Stockton Avenue to the west and Grant Avenue to the east. The block which contains the project site (Assessors Block 309, Lot 16) is bounded by Post Street on the north, Geary Street on the south.

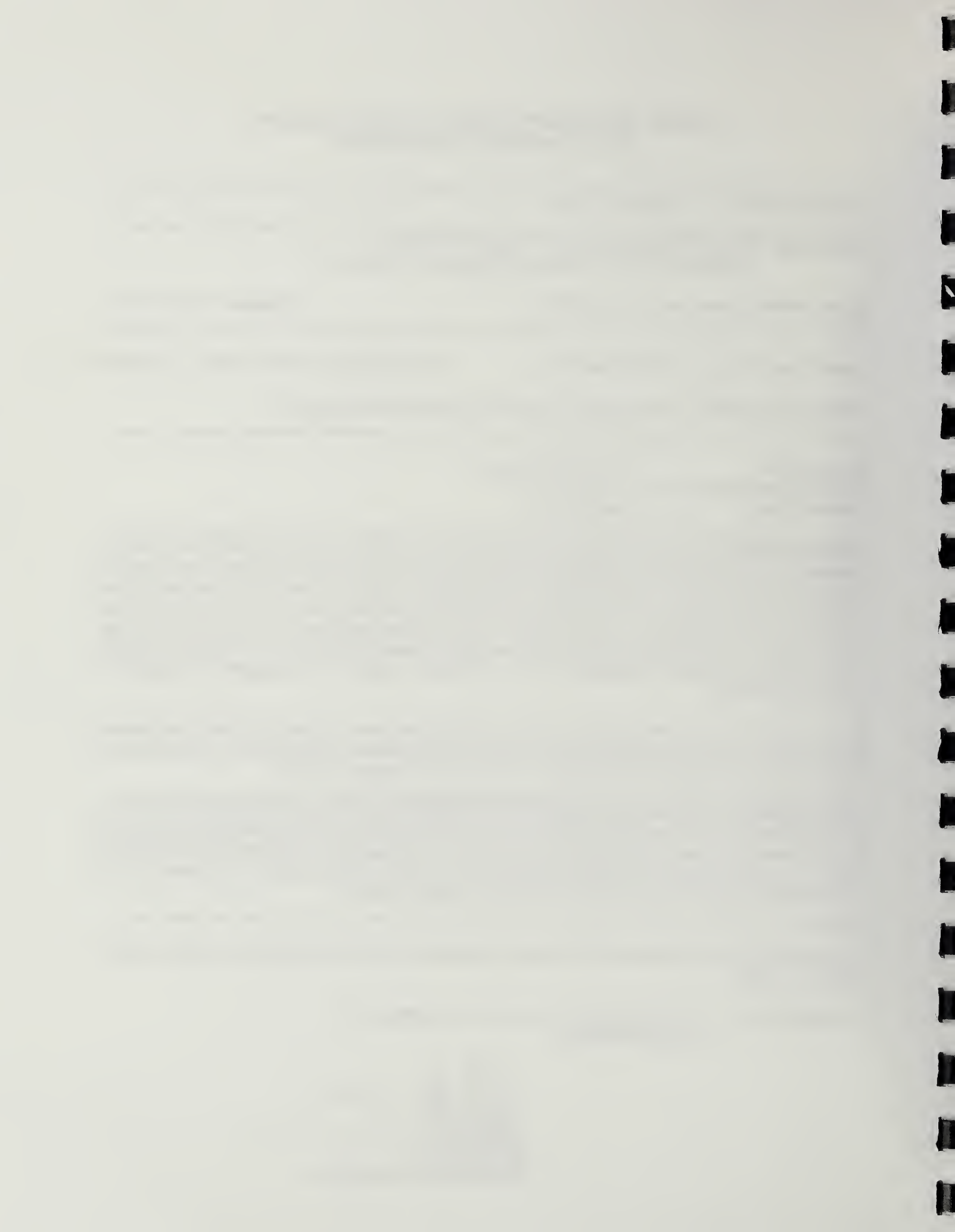
THIS PROJECT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND AN ENVIRONMENTAL IMPACT REPORT IS REQUIRED. This determination is based upon the criteria of the Guidelines of the State Secretary for Resources, Section 15063 (Initial Study), 15064 (Determining Significant Effect), and 15065 (Mandatory Findings of Significance), and the following reasons, as documented in the Environmental Evaluation (Initial Study) for the project, which is attached.

Deadline for Filing of an Appeal to the City Planning Commission of this Determination that an EIR is required:
January 11, 1999.

An appeal requires: 1) a letter specifying the grounds for the appeal, and;
2) a \$209.00 filing fee.



Hillary Gitelman
Environmental Review Officer



Initial Study

98.833E: 116-124 Maiden Lane

I. PROJECT DESCRIPTION

A. BACKGROUND

The existing building at 116-124 Maiden Lane is an 89-year old, unreinforced masonry building with a hazard category level 3, and as such, is subject to requirements for seismic strengthening under the Earthquake Hazard Reduction Ordinance. In 1992, the San Francisco Board of Supervisors adopted Ordinance 225-92 which was designed to reduce injury and loss of life from unreinforced masonry buildings during seismic events. The research presented to the Board found that during an earthquake the risk to life comes primary from certain existing buildings which have unreinforced masonry bearing walls. It was also found that of the approximate 2,000 such unreinforced masonry buildings (UMBs) in San Francisco; the majority of which were built soon after the 1906 earthquake, were between one and four stories tall, and were commercial or industrial. Because of their age they “are also important reminders of San Francisco’s past” with 40 being City designated Landmarks and most of the remaining being either significant or contributory to existing or proposed historic districts.

The Environmental Impact Report (EIR) on “Earthquake Hazard Reduction in Unreinforced Masonry Buildings: Program Alternatives” found that a large number of the UMBs were within the downtown area and 133 were within the Kearny-Market-Mason-Sutter Conservation District. Of those 133 buildings, 70 were Category IV-Contributory Buildings as is the existing building at 116-124 Maiden Lane. The EIR acknowledged that there would be a number of different “building outcomes” as a result of the adoption of a hazard reduction ordinance, some of which could lead to demolition and program-induced new construction. The EIR also stated that it was not intended to be a program EIR in that it did not attempt to cover all of the indirect effects which could occur as a result of the adoption of an Hazard Reduction Ordinance such as possible future redevelopment of specific UMBs, but that “subsequent applicable owner decisions related to specific site would still be subject to CEQA review.”¹ This Initial Study is the starting point of the CEQA process for the building at 116-124 Maiden Lane.

B. PROJECT CHARACTERISTICS

The project site is situated less than a block east of Union Square on the north side of Maiden Lane, approximately 70 feet west of the northwest corner of Maiden Lane and Grant Avenue in downtown San Francisco (see Figure 1, Project Location). The site (Assessors’s Block 309, Lot 16) is a square-shaped lot, 40 by 40 feet and is about 1,600 sq.ft. in area, and is currently occupied by a four-story building with a full-height basement. The site is zoned C-3-R (Downtown Retail) and has an 80-130F Height and Bulk designation.

The proposed project would demolish the existing, partially occupied, 4-story (plus full basement), 53-foot-tall, 7,700 sq.ft. retail/office building and construct a new two-story (plus full basement), 40-foot-tall

¹ CEQA is the California Environmental Quality Act, Sections 21000 - 21177, Public Resources Code, State of California.

building (36 feet plus a 4-foot parapet) with approximately 4,992 sq.ft. of retail space. The existing building was built in 1909 and is constructed of unreinforced masonry and is located within the Kearny-Market-Mason-Sutter Conservation district. The building was designated as a Category IV - Contributory Building under Article 11 of the City Planning Code, which addresses preservation of buildings and districts of architectural, historical and aesthetic importance in the C-3 (Downtown Commercial) zoning districts.

The new structure is proposed to cover the entire lot as does the current building (see Figure 2, Site Plan). It is proposed to be consistent in use, scale, and materials with the surrounding properties in the Conservation District in that it would be relatively small-scaled and finished in a light colored terra cotta tile which would be evocative of the existing building (see Figure 3, Proposed Building Elevation). While a specific retail tenant or tenants have not yet been identified, it is anticipated that the new building would accommodate a single "high-end" retail store similar to other buildings in the Union Square/Maiden Lane/Post Street area.

C. PROJECT SETTING

The project site is located within the Union Square shopping district on the north side of Maiden Lane between Stockton Avenue to the west and Grant Avenue to the east. The block which contains the project site (Assessors Block 309) is bounded by Post Street on the north, Geary Street on the south with Maiden Lane being a parallel, narrow, historic, internal street between the two, as is common within downtown San Francisco.

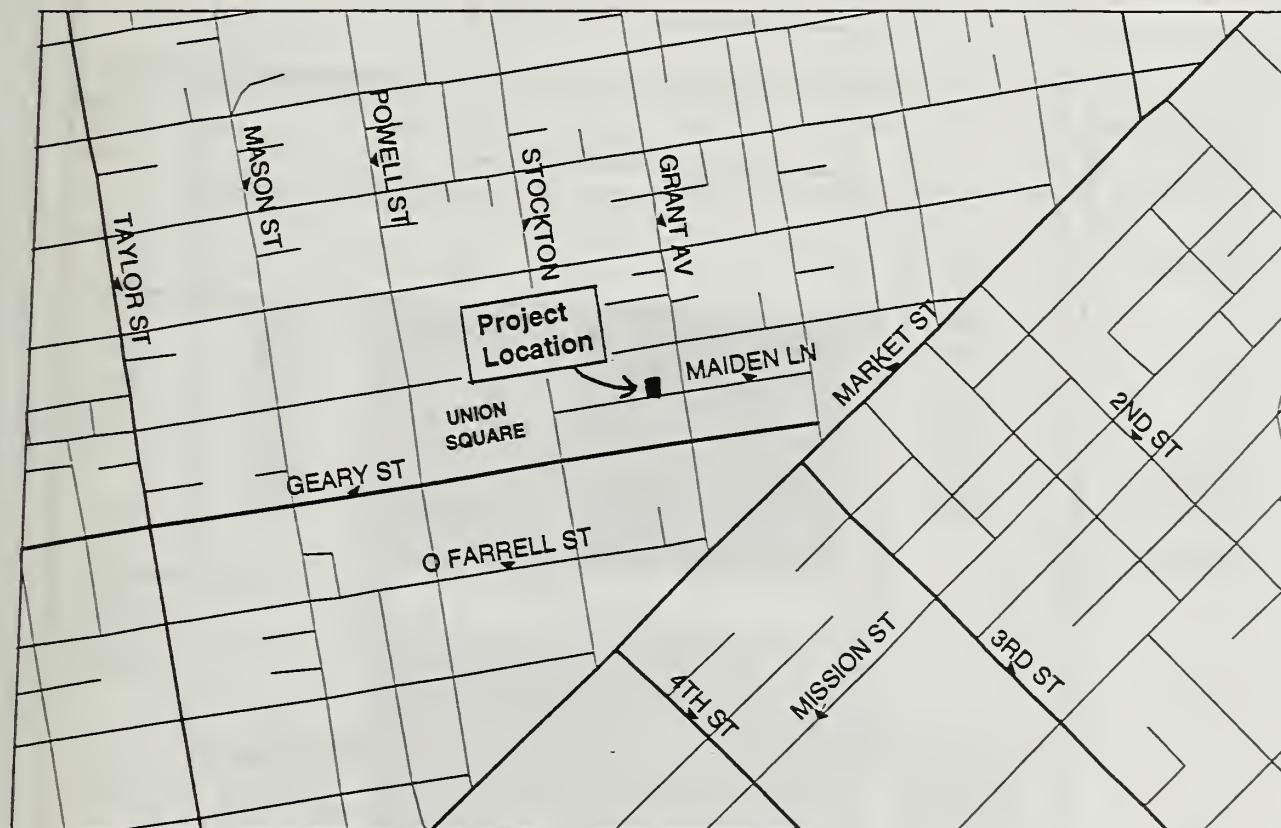
According the City's General Plan, the "Union Square area contains many of the city's finest shops and hotels and, along with Manhattan's Fifth Avenue and Chicago's Michigan Avenue is one of the strongest downtown retail districts in the country." Union Square itself, a urban park comprising an entire city block, sits in the center of this retail core. Situated around Union Square are the St. Francis Hotel, Sak's Fifth Avenue, Macy's, and Neiman Marcus. Maiden Lane is a two block street directly to the east of Union Square and is a smaller-scale, pedestrian-oriented street with restaurants and smaller-sized speciality retail shops and boutiques such as Chanel, Giorgiou and Laura Ashley. Closed to traffic during the mid-day, Maiden Lane becomes a pedestrian mall with outdoor seating for restaurants in nice weather.

Most of the buildings along Maiden Lane are between 2 and 5 stories tall, however, some are taller. The proposed project would be located between two of these taller buildings: 130 Maiden Lane which is 7 stories tall and 201 Post Street on the corner of Post, Grant Ave. and Maiden Lane which is 12 stories tall. Further to the west are buildings with less height including the Frank Lloyd Wright designed Folk Art International gallery building. Most of the buildings are either restaurants or speciality retail particularly on the ground or first floor, although a number have services, galleries or office space on the upper levels.

The Kearny-Market-Mason-Sutter Conservation District covers a large area and is largely intact as a historic area. The block of Maiden Lane where the project site is located has only one structure which is not designated as either a Significant Building (Categories I and II) or a Contributory building (Categories III and IV).

Figure 1

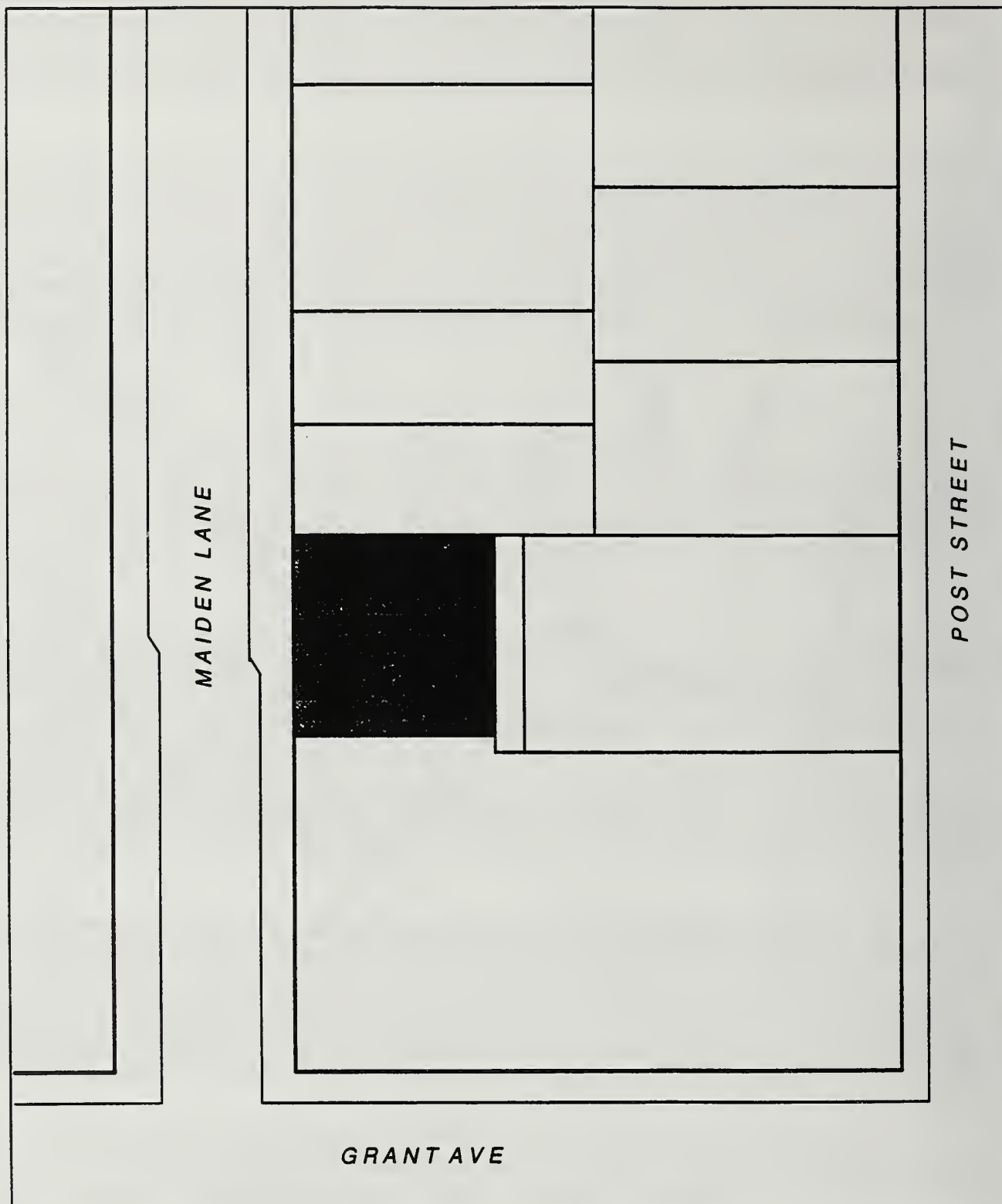
Project Location



Source: Planning Department, 1998.

Figure 2

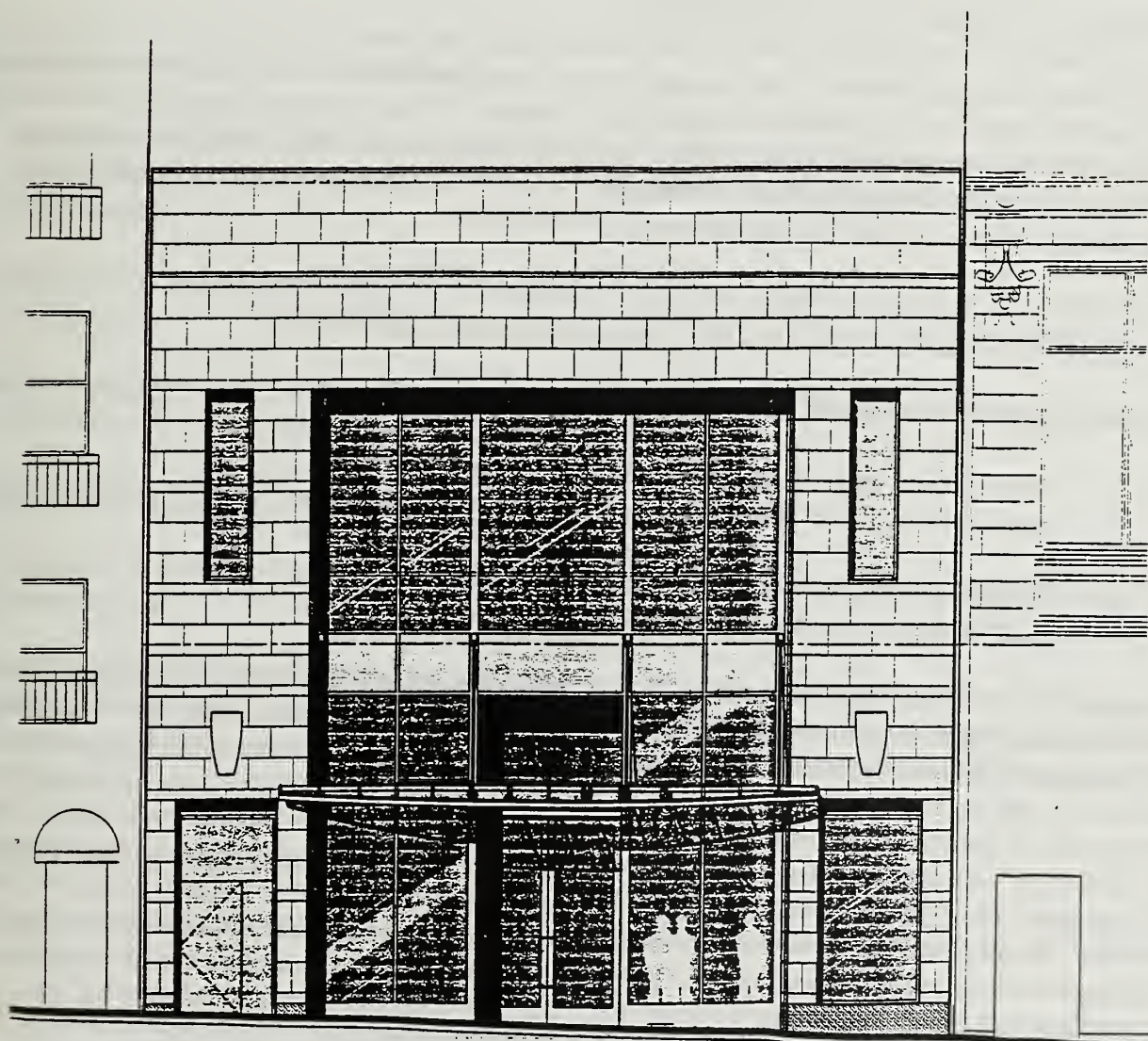
Site Plan



Source: Berger Detmer Architects, 1998.

Figure 3

Proposed Project Elevation



Source: Berger Detmer Architects, 1998.

II. SUMMARY OF POTENTIAL ENVIRONMENTAL EFFECTS

A. EFFECTS FOUND TO BE POTENTIALLY SIGNIFICANT

The project proposed for 116-124 Maiden Lane is examined in this Initial Study to identify potential effects on the environment. One effect of the proposed project at both the project-specific and/or cumulative level, i.e., impacts on historic architectural resources, has been determined to be potentially significant and will be analyzed in an Environmental Impact Report (EIR).

B. EFFECTS FOUND NOT TO SIGNIFICANT

The following potential effects of the proposed project have been determined to be either insignificant or would be mitigated through measures included in the project. These items are discussed below in Section III and require no further analysis in the EIR: land use, visual quality, population, transportation/circulation, noise, air quality/climate, utilities/public services, biology, geology/topography, water, energy/natural resources, hazards, and archaeological resources.

III. ENVIRONMENTAL EVALUATION CHECKLIST AND DISCUSSION

A. COMPATIBILITY WITH EXISTING ZONING AND PLANS

Not Applicable

Discussed

- 1) Discuss any variances, special authorizations, or changes proposed to the City Planning Code or Zoning Map, if applicable.
- 2) Discuss any conflicts with any adopted environmental plans and goals of the City or Region, if applicable.

—

X

X

X

In general, the City Planning Code, which incorporates by reference the City's Zoning Maps, governs permitted uses, densities, and the configuration of buildings within San Francisco. Permits to construct new buildings (or to alter or demolish existing ones) may not be issued unless either the proposed project conforms to the Code, or an exception is granted pursuant to provisions of the Code. The proposed project, which would be a structure designed for merchandising and retail use and be 40 feet in height, would comply with the City Planning Code requirements concerning height, bulk and use within the C-3-R (Downtown Retail) District and the 80-130-F Height and Bulk District in which it would be located. The City Planning Code describes the C-3-R District as the "regional center for comparison shopper retailing and direct consumer services." The C-3-R District "covers a compact area with a distinctive urban character" and is well served by Muni and regional transit and is easily traversed by foot.

The proposed building would require review and approval under Article 11 of the City Planning Code as any new structures in an adopted Conservation District such as the Kearny-Market-Mason-Sutter District must be "compatible with the District in general with respect to the buildings composition and massing, scale, materials and colors and detailing and ornamentation." In addition, the proposed project would require approval of a building permit for the new structure and a demolition permit for the old.

Environmental plans and policies are those, like the Bay Area Air Quality Plan, which directly address environmental issues and/or contain targets or standards which must be met in order to preserve or

improve characteristics of the City's physical environment. The current proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy.

The City's General Plan, which provides general policies and objectives to guide land use decisions, contains some policies which relate to physical environmental issues. The current project would not obviously or substantially conflict with the General Plan, and it will be considered in light of the following general Plan policies and objectives:

Urban Design Element

- Objective 1, Policy 3, to “Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.”
- Objective 2, Policy 4, to “Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.”
- Objective 2, Policy 6, to “Respect the character of older development nearby in the design of new buildings.”
- Objective 2, Policy 7, to “Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco’s visual form and character.”

Community Safety Element

- Objective 2, Policy 2.4, to “Continue the unreinforced masonry building program and the parapet program.
- Objective 2, Policy 2.8, to “Preserve, consistent with life safety considerations, the architectural character of buildings and structures important to the unique visual image of San Francisco, and increase the likelihood that architecturally and historically valuable structures will survive future earthquakes.

Commerce and Industry Element

- Objective 2, Policy 1, to “Seek to retain existing commercial and industrial activity and to attract new such activity to the city.”
- Objective 6, Policy 7, to “Promote high quality urban design on commercial streets.”

Downtown Plan Element

- Objective 1, Policy 1, to “Encourage development which produces net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences which cannot be mitigated.”

- Objective 3, to “Improve downtown San Francisco’s position as the region’s prime location for specialized retail trade.”
- Objective 12, Policy 3, to “Design new buildings to respect the character of older development nearby.”
- Objective 13, Policy 1, to “Relate the height of buildings to important attributes of the city pattern and to the height and character of existing and proposed development.”
- Objective 15, “To create a building form that is visually interesting and harmonizes with surrounding buildings.”
- Objective 15, Policy 1, to “Ensure that new facades relate harmoniously with nearby facade patterns.”
- Objective 15, Policy 2, to “Assure that new buildings contribute to the visual unity of the City.”
- Objective 16, Policy 1, to “Conserve the traditional street to building relationship that characterizes downtown San Francisco.”
- Objective 16, Policy 4, to “Use designs and materials and include activities at the ground floor to create pedestrian interest.”
- Objective 23, to “Reduce hazards to life safety and minimize property damage and economic dislocation resulting from future earthquakes.”
- Objective 23, Policy 2, to “Initiate orderly abatement of hazards from existing buildings and structures, while preserving the architectural design character of important buildings.”

In general, potential conflicts with the General Plan are considered by decision makers independently of the environmental review process, as part of the decision whether to approve or disapprove a proposed project. Any potential conflict not identified here could be considered in that context, and would not alter the physical environmental effects of the proposed project.

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the City Planning Code to establish eight Priority Policies. These policies are: preservation and enhancement of neighborhood-serving retail uses; protection of neighborhood character; preservation and enhancement of affordable housing; discouragement of commuter automobiles; protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership; maximization of earthquake preparedness; landmark and historic building preservation; and protection of open space. Prior to issuing a permit for any project which requires an Initial Study under CEQA or adopting any zoning ordinance or development agreement, the City is required to find that the proposed project is consistent with the Priority Policies.

B. ENVIRONMENTAL EFFECTS

All items on the Initial Study checklist incorporated herein have been checked "No," except for the item regarding historic architectural resources indicating that, upon evaluation, staff has determined that the proposed project could not have a significant adverse effect in all but that area. Several checklist items have also been checked "Discussed," indicating that the text includes discussion of that particular issue. For all of the items checked "No" without discussion, the conclusions regarding potential adverse environmental effects are based on field observation, staff and consultant experience on similar projects, and/or standard reference materials available within the Planning Department such as the Department's Transportation Guidelines for Environmental Review, or the California Natural Diversity Data Base and maps, published by the California Department of Fish and Game. For each checklist item, the evaluation has considered the impacts of the project both individually and cumulatively.

1) <u>Land Use</u>	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
Could the Project:			
(a) Disrupt or divide the physical arrangement of an established community?	—	<u>X</u>	<u>X</u>
(b) Have any substantial impact upon the existing character of the vicinity?	—	<u>X</u>	<u>X</u>

The approximate 1,600 sq.ft. project site is currently occupied by a structure that has 7,700 sq.ft. of retail space, is approximate 50 feet high, and is four-story (plus basement) in height. The building is currently only partially occupied with the basement and ground floor being vacant. The second floor is occupied by the offices of a publishing firm(Global Directions), while a restaurant (Cafe Akimbo) is on the third floor. The fourth floor is occupied by an art gallery. After demolition of the existing unreinforced masonry structure, the project sponsor intends to build a 4,992 sq.ft., 40-foot high, 2-story (plus basement), retail building resulting in a decrease in density and intensity of use.

As noted above in the Project Setting section, the land uses in the general area are hotels, high intensity retail, restaurants, and consumer service uses. Along the block of Maiden Lane where the proposed project is located, the land use is generally the same, albeit to a lesser degree of intensity, boutiques and speciality shops rather than department stores. The proposed project would not alter the land use of the area, nor would it disrupt or divide the neighborhood, since it would occur within the context of the existing block configuration and street grid. As the proposed project would continue the retail land use of the immediate area, it would not be out of existing character of the vicinity.

Because the proposed project would not change the character of the area in terms of its land use, this environmental category requires no further study in the EIR, however, the historic character of the area will be discussed in the EIR within the context of potential impacts to the Kearny-Market-Mason-Sutter Conservation District.

2) <u>Visual Quality</u>	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
Could the Project:			
(a) Have a substantial, demonstrable negative aesthetic effect?	—	<u>X</u>	<u>X</u>

- | | | | | |
|-----|--|---|----------|----------|
| (b) | Substantially degrade or obstruct any scenic view or vista now observed from public areas? | — | <u>X</u> | <u>X</u> |
| (c) | Generate obtrusive light or glare substantially impacting other properties? | — | <u>X</u> | — |

Design and aesthetics are by definition subjective, open to interpretation by decision makers and members of the public. A proposed project would therefore be considered to have a significant adverse effect on visual quality, only if it would cause a substantial and demonstrable negative change, such as construction of an industrial facility in a pristine, natural area. The proposed project would not cause such a change.

The proposed project would result in a visual change, since it would demolish a 53-foot tall, 4-story building and replace it with a 40-foot tall, 2-story building for a reduction in height of approximately 20 percent. The existing building's ground floor has been remodeled with stucco and concrete formed to resemble stone blocks replacing the buff colored glazed brick. The upper floors continue to be covered in the glazed brick. The front facade is plain and only the top-floor has any articulation with an end bay on either side.

The proposed project, while being approximately 13 feet shorter than the existing building would still be generally compatible with most of the other buildings along Maiden Lane, even though the proposed project itself would be situated between the two tallest buildings on the street. Because the proposed building would be similar in height and scale to the existing building and comparable to other structures in the area, it would not have a substantial, demonstrable negative aesthetic effect.

The closest public open space is Union Square to the west, however, due to the project's location between the two taller structures it would not be able to degrade or block any scenic vista currently enjoyed from Union Square or other public open spaces in the area.

Because the proposed project would not increase shadows nor degrade or obstruct views, this environmental category requires no further study in the EIR, although the visual changes to the Kearny-Market-Mason-Sutter Conservation District will be discussed in the EIR.

- | | | | | |
|-----|--|-------------------|------------------|-------------------------|
| 3) | <u>Population</u> | <u>YES</u> | <u>NO</u> | <u>DISCUSSED</u> |
| | Could the Project: | | | |
| (a) | Induce substantial growth or concentration of population? | — | <u>X</u> | — |
| (b) | Displace a large number of people (involving either housing or employment)? | — | <u>X</u> | <u>X</u> |
| (c) | Create a substantial demand for additional housing in San Francisco, or substantially reduce the housing supply? | — | <u>X</u> | — |

The substitution of the new structure for the older unreinforced structure would not be expected to increase the population of the area. According to the project sponsor, the current occupancy of the building is three businesses with 14 employees (basement and first floor vacant, 2nd floor-publishing firm with three employees, 3rd floor-restaurant with 10 employees, and 4th floor-gallery with one employee).

These existing businesses and their employees would have to relocate as the existing building would be demolished. Based on the square footage and employment densities derived from background research for the Downtown Plan, the proposed project would be expected to generate up to approximately 14 employees.² Therefore, the number of jobs in the current building and the proposed new structure would be approximately the same. The relocation of the three existing business would be minimal when considered in the context of Downtown San Francisco, the region’s employment center, and would not be expected to have a measurable effect on the number of jobs within the region or the demand for housing in San Francisco or the Bay Area. Population and housing require no further analysis in the EIR.

4) <u>Transportation/Circulation</u>	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
Could the Project:			
(a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system?	<u>—</u>	<u>X</u>	<u>X</u>
(b) Interfere with existing transportation systems, causing substantial alterations to circulation patterns or major traffic hazards?	<u>—</u>	<u>X</u>	<u>—</u>
(c) Cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity?	<u>—</u>	<u>X</u>	<u>X</u>
(d) Cause a substantial increase in parking demand which cannot be accommodated by existing parking facilities?	<u>—</u>	<u>X</u>	<u>X</u>

Given its size and location, it is anticipated that the proposed project would consist of a single speciality retail use (i.e., a store that would be expected to serve patrons who are downtown to shop and visit a number of stores, as opposed to a regional trip-attractor that would be expected to draw most of it’s visitors from outside the immediate area). Therefore, a substantial portion of the person-trips generated by the project would be expected to be pedestrian trips made by persons who were already in the Union Square vicinity and would be “linked trips” (trips made in conjunction with another trip). In particular, the proximity and density of the larger department stores and other speciality retail within the immediate area make it highly likely that there would be a very high degree of linked shopping trips at the project site. The trip generation and parking demand figures presented below are based on the general factors found in the “Planning Department Guidelines for Environmental Review: Transportation Impacts” (July 1991), and may be conservative with respect to vehicle trips, given the above assumptions.³

Traffic

Based on the Planning Department’s Standard Trip Generation Rate for retail sales as contained in the Department’s “Guidelines For Environmental Review: Transportation Impacts” (30.5 person trips/day/1,000 gross sq.ft.), the existing building (assuming full occupancy) would generate an estimated

² San Francisco Department of City Planning, “Guidelines for Environmental Review: Transportation Impacts,” July 1991.

³ The Planning Department’s “Citywide Travel Behavior Survey” (1993) showed that in most cases well below 20 percent of downtown trips used automobiles, and for the non-home or work based trip only 7.8 percent were by auto.

235 average daily person-trips spread among various modes of transportation, with about 16 (6.6 percent of daily trips) in the p.m. peak hour. For the proposed project, the same rates would mean that there would be an estimated 153 average daily person trips with 10 of those trips being in the p.m. peak. Therefore, the proposed project would have 82 less daily person trips and 6 less person-trips during the p.m. peak hour, when traffic conditions are at their worst in most areas of the City.

Based on the modal split information for Superdistrict 1 (the northeast quadrant of the City which includes the Downtown and Union Square areas) in the "Citywide Travel Behavior Survey," it is estimated that about 28.5% of the peak hour person-trips would be made by private automobile, about 16.3% by public transit, and about 55.1% walking/other modes. Using these percentages which is conservative methodology, there would be an estimated 3 automobile trips (assuming all were single occupancy vehicles), 2 transit trips, and 5 trips walking or other modes to the proposed store during the p.m. peak hour. This number of trips would not be noticeable against daily background traffic flows and would also be unlikely to constitute a substantial portion of overall trips anticipated as a result of existing uses in combination with potential future or cumulative development in the area. It should also be noted that during times other than the p.m. peak, such as mid-day Saturdays and peak holiday periods, that trips equal to or even greater than the p.m. peak hour may be attained, however, the absolute number of trips from this project would still be minimal within the context of the surrounding background traffic.

The change in area traffic as a result of the project would be undetectable to drivers. In addition, all transportation utilization would be less with the proposed project than with full utilization of the existing building.

Transit

The project site is very well-served by transit, including MUNI bus routes 30-Stockton, 45-Union-Stockton, 9-San Bruno, 38-Geary, 2-Clement, 3- Jackson, 4-Sutter , all of which operate within one or two blocks of the site. In addition, all five MUNI Metro lines as well as BART run in the subway under Market Street, a few blocks to the south. A block further to the south along Mission Street, the buses from Golden Gate Transit (to north bay communities) and SamTrans (to San Mateo and south bay) are available. In the p.m. peak as noted above, the project is estimated to generate about two additional transit riders. These additional riders would not measurably affect existing service.

Parking

The project's approximate 5,000 sq. ft. of retail space would generate a demand for up to seven off-street parking spaces, including about two long-term spaces and five short-term spaces. No off-street parking is proposed as a part of the project. Off-street parking is not required for non-residential uses in the C-3 zoning districts (City Planning Code, Section 161). Parking demand would be expected to be accommodated at nearby parking garages during most hours of the day. At some times of the week or year, area parking garages may reach capacity, resulting in unmet demand and increased congestion. In the context of San Francisco's transit accessibility and Transit First policies, unmet parking demand is not considered a significant environmental effect. Also, the projects contribution to any potential shortfall (and resulting congestion) would be de minimus.

Construction

Construction of the proposed project may have a temporary affect on traffic and parking conditions in the vicinity of the proposed project. Trucks would deliver and remove materials to and from the site during working hours, and construction workers would drive to and from the site. However, these effects, although a inconvenience to those who shop and work in the area, would be limited to the time of construction and would not have a permanent effect on the capacity of the existing street system or permanently alter the existing parking conditions. Access to the surrounding businesses would be maintained during construction period.

Conclusion

Because of the potential for a lessening of transportation effects with the smaller building and because projected p.m. peak trips are so low as to be less than significant, the transportation and circulation impacts would require no additional analysis in the EIR.

5) <u>Noise</u>	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
Could the Project:			
(a) Increase substantially the ambient noise levels for adjoining areas?	—	<u>X</u>	<u>X</u>
(b) Violate Title 24 Noise Insulation Standards, if applicable?	—	<u>X</u>	<u>X</u>
(c) Be substantially impacted by existing noise levels?	—	<u>X</u>	—

Ambient noise levels in the vicinity of the project are typical of noise levels in downtown San Francisco, which are dominated by vehicular traffic, including trucks, cars, MUNI buses and emergency vehicles. Generally, traffic must double in volume to produce a noticeable increase in noise levels on local streets. As shown in the section above on Transportation, traffic volumes would not be expected to double as a result of the project (the volumes may, in fact, be reduced very slightly); therefore, substantial increases in traffic noise in the project area would not be anticipated.

The proposed project may include mechanical equipment, such as air conditioning units or elevators, which could produce noise. However, these operations would be subject to the San Francisco Noise Ordinance, Article 29 of the Sand Francisco Police Code. Compliance with Article 29, Section 2909, would minimize noise from building operations.

Demolition, excavation, and building construction would temporarily increase noise in the project area. The project sponsor has stated that no pile driving would be used in constructing the replacement building and that additional excavation for the basement would be minimal. Due to the temporary and intermittent nature of this nature of this impact and the higher density urban noise levels already existing in the immediate area, construction noise would not be a significant environmental impact. In addition, construction noise is also regulated by the above noted Noise Ordinance which limits the amount and the timing of acceptable construction noise.

Because there would be no significant impacts anticipated in the areas of construction or operational noise, these effects will not be discussed in the EIR.

6) **Air Quality/Climate**

YES NO DISCUSSED

Could the Project:

- | | | | | |
|-----|--|---|----------|----------|
| (a) | Violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation? | — | <u>X</u> | <u>X</u> |
| (b) | Expose sensitive receptors to substantial pollutant concentrations? | — | <u>X</u> | — |
| (c) | Permeate its vicinity with objectionable odors? | — | <u>X</u> | — |
| (d) | Alter wind, moisture or temperature (including sun shading effects) so as to substantially affect public areas, or change the climate either in the community or region? | — | <u>X</u> | — |

The Bay Area Air Quality Management District (BAAQMD) has established thresholds for projects requiring its review for potential air quality impacts. These thresholds are based on the minimum size projects which the District considers capable of producing air quality problems; the threshold for this type of retail is 125,000 sq. ft. This project would not exceed this minimum standard. Therefore, no significant air quality impacts would be generated by the proposal.

However, the soil movement for the additional excavation needed for the basement would create the potential for wind-blown dust to add to the particulate matter in the local atmosphere while open soil is exposed. In order to reduce the quantity of dust generated during site preparation and construction, the project sponsor has agreed to implement Mitigation Measure No.1 as listed in the Mitigation Measures section of this Initial Study.

Section 295 of the City Planning Code was adopted in response to Proposition K (passed November 1984) in order to protect certain public open spaces from shadowing by new structures during the period between one hour after sunrise and one hour before sunset, year round. Section 295 restricts new shadow upon public spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet unless the City Planning Commission finds the impact to be insignificant. The proposed building would not exceed 40 feet, would be smaller than the existing building on the site, and would not cause any new shadowing of adjacent streets and sidewalks or public open spaces.

The potential for construction air quality effects will be mitigated by the inclusion of Mitigation Measure No. 1, therefore, air quality and shadow impacts require no further analysis and will not be included in the EIR.

7) **Utilities/Public Services**

YES NO DISCUSSED

Could the Project:

- | | | | | |
|-----|--|---|----------|---|
| (a) | Breach published national, state or local standards relating to solid waste or litter control? | — | <u>X</u> | — |
| (b) | Extend a sewer trunk line with capacity to serve new development? | — | <u>X</u> | — |

- | | | |
|-----|---|--------------|
| (c) | Substantially increase demand for schools, recreation or other public facilities? | — <u>X</u> — |
| (d) | Require major expansion of power, water, or communications facilities? | — <u>X</u> — |

The proposed project would create less of demand for and use of public services and utilities than the building to be replaced. In addition, utilities and public services are already provided for the existing office/commercial uses in the project area. Therefore, this project would not be expected to have any measurable impact on public services or utilities, requires no further analysis and will not be included in the EIR.

8) **Biology** YES NO DISCUSSED
 Could the Project:

- | | | |
|-----|--|--------------|
| (a) | Substantially affect a rare or endangered species of animal or plant or the habitat of the species? | — <u>X</u> — |
| (b) | Substantially diminish habitat for fish, wildlife or plants, or interfere substantially with the movement of any resident or migratory fish or wildlife species? | — <u>X</u> — |
| (c) | Require removal of substantial numbers of mature, scenic trees? | — <u>X</u> — |

The project site is covered 100 percent by the existing building. There are no plants nor trees on the site. The project would not affect any threatened, rare or endangered plant life or habitat. The project would not interfere with any resident or migratory species. This topic will not be discussed in the EIR.

9) **Geology/Topography** YES NO DISCUSSED
 Could the Project:

- | | | |
|-----|---|---------------------|
| (a) | Expose people or structures to major geologic hazards (slides, subsidence, erosion and liquefaction). | — <u>X</u> <u>X</u> |
| (b) | Change substantially the topography or any unique geologic or physical features of the site? | — <u>X</u> — |

The San Francisco General Plan Community Safety Element contains maps that show areas in the City subject to geologic hazards. The project site is located in an area subject to ground shaking from earthquakes along the San Andreas and Northern Hayward Faults and other faults in the San Francisco Bay Area (Maps 2 and 3), however, the project site is not within an area of liquefaction potential as designated by the California Division of Mines and Geology.

The property owner was notified in February 1993, that the building was identified as a unreinforced masonry building and subject to the requirements of City Ordinance No. 225-92, dealing with earthquake hazard reduction in unreinforced masonry bearing wall buildings (UMB). This ordinance is intended to

promote public safety and welfare by reducing the risk of death and injury that could result from the effects of an earthquake on existing unreinforced masonry bearing wall buildings. The first step in compliance was to have a structural analysis made of the building by a civil or structural engineer or an architect licensed by the state of California to determine if the building was indeed a UMB and what the relative level of risk was for the structure dependent of the occupancy, underlying soil conditions and density of population exposed to hazards. A report back to the City's Bureau of Building Inspection in January 1994, noted that the building was a "Bearing Wall UMB" and was assigned a "risk level" of 3. The time line for compliance of Level 3 buildings is a total of 11 years. For the building at 116-124 Maiden Lane, the 11 year period for total compliance would expire in 2004. Interim milestones would include an engineering report (due to BBI in 2000 [seven years after notification]) and application for either a building permit for seismic alterations or an application for demolition by 2001 (eight years after notification).

The existing building has four floors over a full basement and the new structure is planned to be two stories also over a full basement. The existing basement has a ceiling height of approximately eight feet while the basement ceiling in new building is planned to be 10 feet high. Therefore, the proposed construction would need at least an additional two feet of total excavation (approximately 3,200 cu.ft.) with some additional excavation in areas where new foundations and footings would be necessary. Because of it's location between two existing buildings shoring of the neighboring structures will probably be necessary during construction.

To ensure compliance with all San Francisco Building Code provisions regarding structural safety, the final building plans for the project would be reviewed by the Department of Building Inspection (DBI). In reviewing building plans, the DBI refers to a variety of information sources to determine existing hazards and assess requirements for mitigation. Sources reviewed include maps of Special Geologic Study Areas and known landslide areas in San Francisco as well as the building inspectors' working knowledge of areas of special geologic concern. If the need were indicated by available information, DBI would require that site-specific soils reports be prepared by a California-licensed geotechnical engineer prior to construction. Potential geologic hazards would be mitigated during the permit review process through these measures. No further analysis of geology or seismicity is required for the EIR.

10) Water

YES NO DISCUSSED

Could the Project:

- | | |
|---|--------------|
| (a) Substantially degrade water quality, or contaminate a public water supply? | — <u>X</u> — |
| (b) Substantially degrade or deplete ground water resources, or interfere substantially with ground water recharge? | — <u>X</u> — |
| (c) Cause substantial flooding, erosion or siltation? | — <u>X</u> — |

The project site is covered by impervious surfaces (the existing building) and, when completed, the proposed new structure would also cover the entire site, therefore, there would be no change to the amount of runoff as the pattern of site runoff would not be altered. Project-related wastewater and storm water would continue to flow to the combined sewer system. During construction, requirements to reduce

erosion would be implemented pursuant to California Building Code Chapter 33, Excavation and Grading. During operations, the project would comply with all local wastewater discharge requirements. No further analysis of water resources is required in the EIR.

11) **Energy/Natural Resources**

YES NO DISCUSSED

Could the Project:

- | | | | | |
|-----|---|---|----------|---|
| (a) | Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner? | — | <u>X</u> | — |
| (b) | Have a substantial effect on the potential use, extraction, or depletion of a natural resource? | — | <u>X</u> | — |

The project would meet current state and local codes concerning energy consumption, including Title 24 of the California Code of Regulation enforced by the Department of Building Inspection. For this reason, it would not cause a wasteful use of energy. Therefore, energy consumption requires no further analysis and will not be discussed in the EIR.

12) **Hazards**

YES NO DISCUSSED

Could the Project:

- | | | | | |
|-----|--|---|----------|----------|
| (a) | Create a potential public health hazard or involve the use, production or disposal of materials which pose a hazard to people or animal or plant populations in the area affected? | — | <u>X</u> | <u>X</u> |
| (b) | Interfere with emergency response plans or emergency evacuation plans? | — | <u>X</u> | — |
| (c) | Create a potentially substantial fire hazard? | — | <u>X</u> | <u>X</u> |

As the existing building was built in 1909, it is likely that some asbestos-containing materials may be found within the existing structure which is proposed to be demolished as part of the project. Section 19827.5 of the California Health and Safety Code, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable Federal regulations regarding hazardous air pollutants, including asbestos. The Bay Area Air Quality Management District (BAAQMD) is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition or abatement work.

Notification includes the names and addresses of operations and persons responsible; description and location of the structure to be demolished/alterd including size, age and prior use, and the approximate amount of friable asbestos; scheduled starting and completion dates of demolition or abatement; nature of planned work and methods to be employed; procedures to be employed to meet BAAQMD requirements; and the name and location of the waste disposal site to be used. The District randomly inspects asbestos removal operations. In addition, the District will inspect any removal operation concerning which a complaint has been received.

The local office of the State Occupational Safety and Health Administration (OSHA) must be notified of asbestos abatement to be carried out. Asbestos abatement contractors must follow state regulations contained in 8CCR1529 and 8CCR341.6 through 341.14 where there is asbestos-related work involving 100 square feet or more of asbestos containing material. Asbestos removal contractors must be certified as such by the Contractors Licensing Board of the State of California. The owner of the property where abatement is to occur must have a Hazardous Waste Generator Number assigned by and registered with the Office of the California Department of Health Services in Sacramento. The contractor and hauler of the material is required to file a Hazardous Waste Manifest which details the hauling of the material from the site and the disposal of it. Pursuant to California law, the Department of Building Inspection (DBI) would not issue the required permit until the applicant has complied with the notice requirements described above.

San Francisco ensures fire safety primarily through provisions of the Building Code and the Fire Code. Existing buildings are required to meet standards contained in these codes. The proposed project would conform to these standards, which (depending on building type) may also include development of an emergency procedure manual and an exit drill plan. In this way, potential fire hazards (including those associated with hydrant water pressure, and emergency access) would be mitigated during the permit review process.

The above regulations and procedures, already established as a part of the permit review process, would insure that any potential impacts due to asbestos would be reduced to a level of insignificance, therefore, these issues do not require further analysis and will not be discussed in the EIR.

13) Cultural

YES NO DISCUSSED

Could the Project:

- | | | | |
|--|----------|----------|----------|
| (a) Disrupt or adversely affect a prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group; or a paleontological site except as a part of a scientific study? | _ | <u>X</u> | <u>X</u> |
| (b) Conflict with established recreational, educational, religious or scientific uses of the area? | _ | <u>X</u> | _ |
| (c) Conflict with the preservation of buildings subject to Article 10 or Article 11 of the City of Planning Code? | <u>X</u> | _ | <u>X</u> |

Archaeological Resources

At the present time it is estimated by the project sponsor that the proposed construction would need at least an additional two feet of total excavation (approximately 3,200 cu.ft.) with some additional excavation in areas where new foundations and footings would be necessary to reach the desired height of 10 feet for the basement ceilings. Currently the ceiling height in the basement is eight feet. As noted above, the site has been in use with building and foundations since at least 1909 and most likely before, therefore, although there may be archaeological resources on the site, it is unlikely that if such resources had been undisturbed by the previous excavation that they would be disturbed with the construction of the replacement building. Therefore, no before-construction archaeological testing is required, however, if

evidence of archaeological resources of potential significance is found during ground disturbance, the project sponsor would immediately notify the Environmental Review Officer (ERO) and implement the requirements of Mitigation Measure No. 2.

Historic Architectural Resources

The project site is within the Kearny-Market-Mason-Sutter Conservation District, as defined under Article 11 of the City Planning Code, which addresses preservation of buildings of architectural, historical and aesthetic importance in the C-3 zoning districts. Article 11 classifies buildings in the C-3 Districts within five Categories (I through V). Article 11 and the Downtown Plan element of the General Plan identify the most important buildings, those of individual importance and excellent architectural design as “Significant Buildings” and Category I and II buildings. Category III and IV buildings are termed “Contributory Buildings” and are those that are of lesser architectural merit and/or of contextual importance to the District. All remaining buildings within the District are unrated and designated Category V.

The existing building at 116-124 Maiden Lane is designated a Category IV, a Contributory Building for its contextual importance to Maiden Lane and the District. The building, also known as the Lloyd Building, was built in 1909 and as noted above is constructed of unreinforced masonry. The project’s potential effects on the Category IV building and the Kearny-Market-Mason-Sutter Conservation District will be discussed in the EIR.

C. OTHER	YES	NO	DISCUSSED
Require approval and/or permits from City Departments other than Department of City Planning or Bureau of Building Inspection, or from Regional, State or Federal Agencies?	—	<u>X</u>	—

D. MITIGATION MEASURES	YES	NO	N/A	DISCUSSED
1) Could the project have significant effects if mitigation measures are not included in the project?	<u>X</u>	—	—	<u>X</u>
2) Are all mitigation measures necessary to eliminate significant effects included in the project?	—	<u>X</u>	—	—

The following are mitigation measures related to topics determined to require no further analysis in the EIR. The EIR will contain a chapter describing mitigation measures proposed as a part of the project and measures that would be, or could be, adopted to reduce potential adverse project effects identified in the EIR.

MITIGATION MEASURE No. 1: Construction Air Quality

The project sponsor would require the contractor(s) to spray the site with water during demolition, excavation, and construction activities; spray unpaved construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soils, sand or other such material; and sweep surrounding streets during demolition, excavation, and construction at least once per day to reduce particulate emissions.

Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the project sponsor would require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose. The project sponsors would require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as a prohibition on idling motors when equipment is not in use or when trucks are waiting in queues, and implementation of specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.

MITIGATION MEASURE No. 2: Archaeological Resources

Should evidence of archaeological resources of potential significance be found during ground disturbance, the project sponsor would immediately notify the Environmental Review Officer (ERO) and would suspend any excavation which the ERO determined could damage such archaeological resources. Excavation or construction activities which might damage discovered cultural resources would be suspended for a total maximum of four weeks over the course of construction.

After notifying the ERO, the project sponsor would select an archaeologist to assist the Office of Environmental Review in determining the significance of the find. The archaeologist would prepare a draft report containing an assessment of the potential significance of the find and recommendations for what measures should be implemented to minimize potential effects on archaeological resources. Based on this report, the ERO would recommend specific additional mitigation measures to be implemented by the project sponsor.

Mitigation measures might include a site security program, additional on-site investigations by the archaeologist, and/or documentation, preservation, and recovery of cultural materials. Finally, the archaeologist would prepare a draft report documenting the cultural resources that were discovered, an evaluation as to their significance, and a description as to how any archaeological testing, exploration and/or recovery program was conducted.

Copies of all draft reports prepared according to this mitigation measure would be sent first and directly to the ERO for review. Following approval by the ERO, copies of the final report would be sent to the President of the Landmarks Preservation Advisory Board and the California Archaeological Site Survey Northwest Information Center. The Planning Department shall receive three copies of the final report.

E. ALTERNATIVES

The EIR will discuss the following alternatives to the project that would reduce or eliminate any significant environmental effects.

1. No-Project Alternative: The site would remain in its existing condition.
2. Preservation Alternative: Retention of the Lloyd Building with seismic strengthening and code compliant rehabilitation.

MANDATORY FINDINGS OF SIGNIFICANCE

YES NO DISCUSSED

- 1) Does the project have the potential to degrade the quality of the

environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or pre-history?

— X —

2) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?

— X —

3) Does the project have possible environmental effects which are individually limited, but cumulatively considerable? (Analyze in the light of past projects, other current projects, and probable future projects.)

— X —

4) Would the project cause substantial adverse effects on human beings, either directly or indirectly?

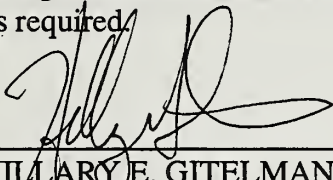
— X —

ON THE BASIS OF THIS INITIAL STUDY:

— I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared by the Department of City Planning.

— I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because the mitigation measures, numbers _____, in the discussion have been included as part of the proposed project. A NEGATIVE DECLARATION will be prepared.

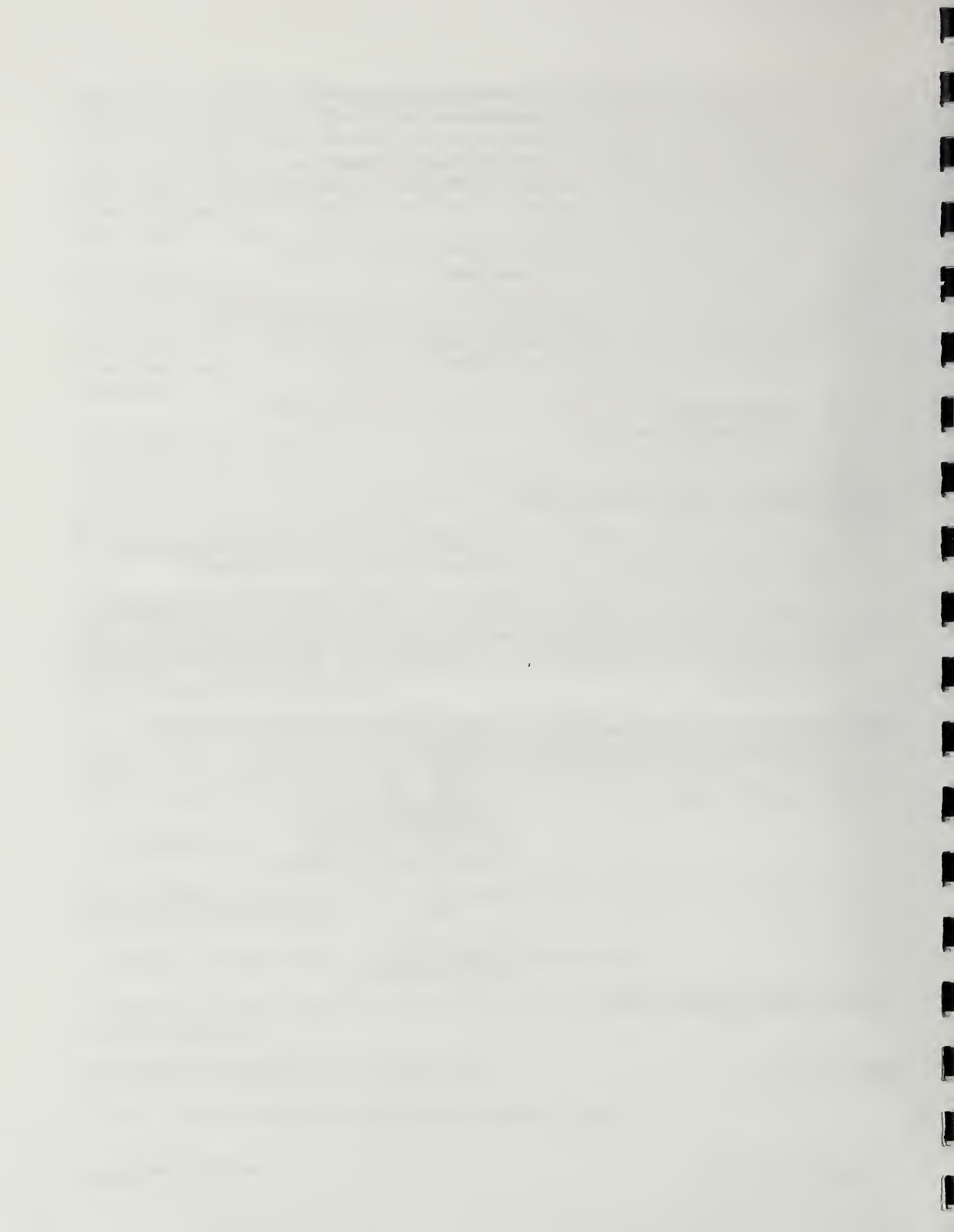
X I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.


HILLARY E. GITEMAN
Environmental Review Officer

for

Gerald G. Green
Director of Planning

DATE: DECEMBER 12, 1998



PLACE
POSTAGE
HERE

San Francisco Planning Department
Office of Major Environmental Analysis
1660 Mission Street, 5th Floor
San Francisco, CA 94103

Attn: Joan A. Kugler, AICP, EIR Coordinator
98.833E - 116-124 Maiden Lane

PLEASE CUT ALONG DOTTED LINE

RETURN REQUEST REQUIRED FOR FINAL
ENVIRONMENTAL IMPACT REPORT

REQUEST FOR FINAL ENVIRONMENTAL IMPACT REPORT

TO: San Francisco Planning Department,
Office of Environmental Review

Please send me a copy of the Final EIR.

Signed: _____

Print Your Name and Address Below

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